

COMMISSIONERS APPROVAL

GRANDSTAFF *CG*

ROKOSCH *JR*

THOMPSON *AT*

CHILCOTT *gc*

DRISCOLL *JD*

PLETTENBERG (Clerk & Recorder)

Members Present..... Commissioner Carlotta Grandstaff,
Commissioner Jim Rokosch, Commissioner Alan Thompson, and Commissioner Greg
Chilcott

Date.....April 3, 2008

Minutes: Beth Perkins

► Commissioner Driscoll attended the LTAP/Road Supervisors Training in Helena in the morning hours.

► The Board met for a public meeting for Denney Minor Subdivision. Present were Planner Tristan Riddell, Representative John Horat, and Developers Steve & Kay Denney.

Commissioner Grandstaff called the meeting to order and requested any conflicts of interest, hearing none. She then requested the Planning Staff Report be read.

Tristan presented the Staff Reports as follows:

**DENNEY
TWO-LOT FIRST MINOR SUBDIVISION**

STAFF REPORT FOR BOARD OF COUNTY COMMISSIONERS

CASE PLANNER: Tristan Riddell

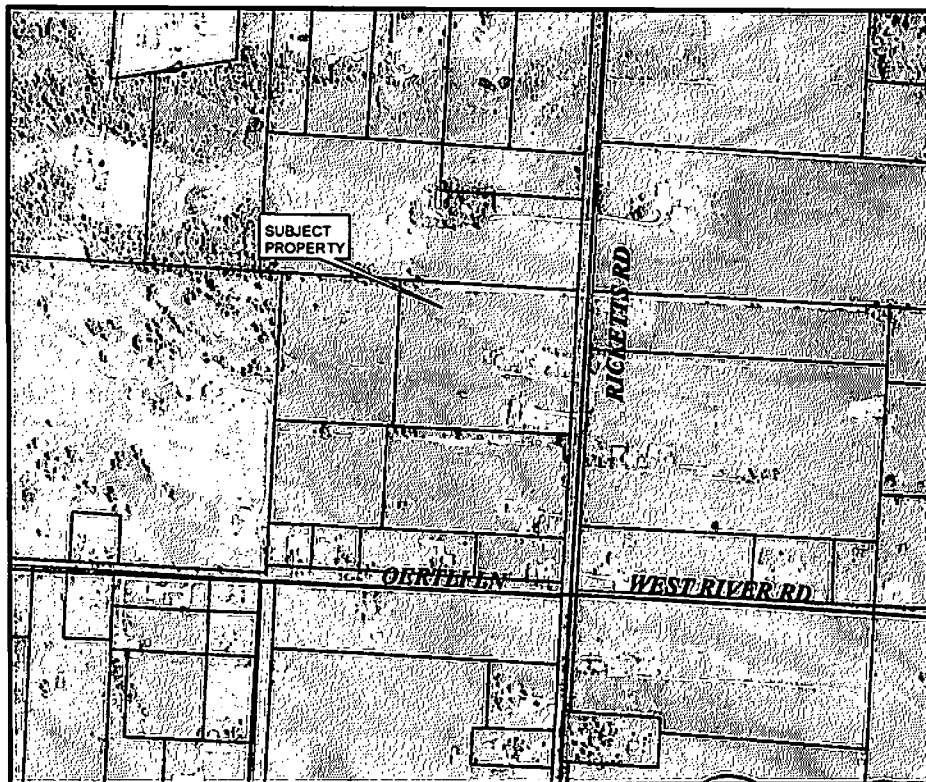
**REVIEWED/
APPROVED BY:** John Lavey

PUBLIC MEETINGS: BCC Public Meeting:
9:00 a.m. April 3, 2008
Deadline for BCC action (35 working days): April 7, 2008

SUBDIVIDERS: Steve & Kay Denney
287 Ricketts Road
Hamilton, MT 59840

REPRESENTATIVE: Bitterroot Engineering & Design
1180 Eastside Highway
Corvallis, MT 59828

LOCATION OF REQUEST: The property is located northwest of Hamilton
off Ricketts Road. (See Map 1)



Map 1: Location Map
(Source Data: Ravalli County GIS Department)

LEGAL DESCRIPTION OF PROPERTY: A portion of the NE ¼ of Section 23, T6N, R21W, P.M.M., Ravalli County, Montana.

APPLICATION INFORMATION: The subdivision application was determined complete on February 20, 2008. Agencies were notified of the

subdivision and comments received by the Planning Department not included in the application packet are Exhibits A-1 through A-4 of the staff report. **This subdivision is being reviewed under the subdivision regulations amended May 24, 2007.**

LEGAL NOTIFICATION: Notice of the project was posted on the property and adjacent property owners were notified by regular mail dated March 5, 2008.

**DEVELOPMENT
PATTERN:**

Subject property:	Low Density Residential
North:	Low Density Residential
South:	Low Density Residential
East:	Agricultural
West:	Low Density Residential

INTRODUCTION

The Denney minor subdivision is a two-lot subdivision of 12.2 acres located northwest of Hamilton off Ricketts Road. The proposed development is located in an area of low density residential use. There are two existing dwellings on the property. The most recent of the dwellings (a trailer home) was placed on the property in 2001; this replaced a previous trailer home that was originally erected on the property in approximately 1968, and subsequently burned down in 2000, according to the application. To date, tax records referencing the mobile home have not been submitted. The other residence was constructed on the property sometime in the early 1900's, as stated within tax records.

Staff recommends conditional approval of the subdivision proposal.

RAVALLI COUNTY BOARD OF COUNTY COMMISSIONERS

APRIL 3, 2008

DENNEY

TWO-LOT FIRST MINOR SUBDIVISION

RECOMMENDED MOTION

That the Denney Minor Subdivision be ***approved***, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report.

**RECOMMENDED MITIGATING CONDITIONS OF APPROVAL FOR THE
SUBDIVISION AND VARIANCE REQUEST**

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below shall be included in the submittal of the final plat to the Planning Department and filed with the final plat:

Notification of Proximity to Agricultural Operations. This subdivision is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. (Section 3-2-8(b)(v)(B), RCSR, Effects on Agriculture)

Notification of Irrigation Facilities and Easements. Within this subdivision there is an irrigation easement and drainage easement, as shown on the final plat. All downstream water right holders have the right to maintain and repair their irrigation facilities whenever necessary to keep them in good condition. Activities associated with the maintenance of irrigation facilities may include the operation of heavy equipment, the occasional burning of ditch vegetation, and the use of herbicides. Downstream water right holders must approve any relocation or alteration (e.g. installation of a culvert) of irrigation ditches/pipelines. Any act that damages or destroys a ditch, interferes with its operation or maintenance in any way, or restricts access to the ditch so as to interfere with its maintenance, which includes but is not limited to the placement of structures or the planting of vegetation other than grass, is expressly prohibited. (Section 3-2-8(a) and Section 3-2-8(b)(v)(B), RCSR, Effects on Agricultural Water User Facilities)

Notification of Water Rights. Lot 2 within this subdivision does not currently have the right to take water from the irrigation and drainage ditches within this subdivision. Taking water without a water right for any purpose is illegal. However, Lot 1 does have the right to take water from the irrigation on the property, as detailed in the Irrigation Agreement filed with this subdivision. Residents should consult with the Montana Department of Natural Resources for questions on water rights. (Section 3-2-8(b)(v)(B), RCSR, Effects of Agricultural Water User Facilities)

Limitation of Access onto a Public Road. A "no-ingress/egress" restriction exists along the Ricketts Road frontage of this subdivision, excepting the approved approaches. Locations of the no-ingress/egress restrictions can be found on a reduced copy of the final plat. [The applicant shall provide a reduced copy of the plat showing the no-ingress/egress zones.] This limitation of access may be lifted or amended only with the approval of the Board of Ravalli County Commissioners. (Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services and Public Health and Safety)

Notification of "Very Limited" Soils. Within this subdivision there are areas of the property identified as potentially having soils rated as "very limited" for road construction and building sites. The approximate locations of these areas can be found on a reduced copy of the final plat and descriptions of the severe soils in question are included as exhibits to this document [the

applicant shall include the reduced plat and exhibits as attachments]. (Section 3-2-8(b)(v)(B), RCSR, Effects on Public Health and Safety)

2. Protective covenants for this subdivision shall be submitted with the final plat that include the following provisions:

Living with Wildlife. Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the occasional presence of wildlife such as deer, elk, black bear, mountain lion, wolf, coyote, fox, skunk, raccoon and magpie. Each lot owner shall obtain or be provided and read a copy of the brochure "Living with wildlife," available from the Montana Fish, Wildlife & Parks office in Missoula for brochures that can help homeowners "live with wildlife." Alternatively, see FWP's web site at www.fwp.mt.gov. (Section 3-2-8(b)(v), RCSR, Effects on Agriculture and Wildlife & Wildlife Habitat)

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. There is high potential for **vegetation damage by wildlife, particularly from deer** feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners must be aware of this potential damage. They should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Homeowners should consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. **Gardens, fruit trees or orchards** are a major wildlife attractant, and fruit-bearing trees and shrubs can regularly attract bears in the fall. Keep produce and fruit picked and off the ground, because ripe or rotting fruit or vegetable material can attract bears, skunks and other wildlife. Gardens should be fenced with one-foot of fencing material below ground level and be at least eight feet in height, in order to discourage wildlife such as deer from feeding in gardens. The top rail should be made of something other than wire to prevent wildlife from entanglement. Netting over gardens can help deter birds from eating berries. Electric fencing is necessary to effectively prevent wildlife such as bears from entering a garden or fruit tree/shrub area, but only if the fence is properly constructed and regularly monitored and maintained to ensure proper use and function. Consult with the Montana Department of Fish, Wildlife and Parks on the proper techniques to develop and maintain an effective electric fence.
- c. If stored outdoors, **garbage** should be in secure bear-resistant containers; otherwise it should be stored indoors prior to curbside pick-up or transport to a centralized garbage collection site, in order to avoid attracting wildlife

such as bears and raccoon. If curbside garbage pick-up is available, garbage cans may not be set out until the morning of garbage pickup and must be brought in no later than that same evening. (Consult Montana Fish, Wildlife & Parks for information on purchasing or constructing bear-resistant trash containers or storage areas.)

- d. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in "an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer might occasionally attract mountain lions to the area.
- e. **Birdseed** is an attractant to bears, and outdoor birdfeeders are strongly discouraged from April 1st through the end of November. If used, bird feeders must: a) be suspended a minimum of 20 feet above ground level, b) be at least 4 feet from any support poles or points, and c) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- f. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the immediate control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124). Keeping pets confined also helps protect them from predatory wildlife.
- g. **Pet food and livestock feed** must be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife such as bears, mountain lions, skunks, raccoons, and other wildlife. **When feeding pets and/or livestock** do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.
- h. **Barbecue grills** should be stored indoors, and permanent outdoor barbecue grills are discouraged. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife.
- i. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer becoming entangled in the fence or injuring themselves when trying to jump the fence. We encourage the use of split rail fences.

- j. **Compost piles** can attract skunks and bears and should be avoided. If used they should be kept indoors or built to be wildlife-resistant. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Kitchen scraps could be composted indoors in a worm box with minimum odor and the finished compost can later be added to garden soil.)
- k. Purchasers of lots within this subdivision must recognize that portions of this subdivision are about ½ mile or less from the Bitterroot River where lawful waterfowl hunting and the associated discharge of shotguns could occur from early morning until sunset, and the season can run from September into January.
- l. **Apiaries (bee hives)** could attract bears in this area and should be avoided. (If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.)
- a. These “living with wildlife” covenants cannot be altered or eliminated without consent of the governing body (Ravalli County Commissioners).

Lighting for New Construction. To promote public health and safety, reduce energy consumption, and reduce impacts to nocturnal wildlife, full cut-off lighting is recommended for any new construction within this subdivision. A full cut-off fixture means a fixture, as installed, that is designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light is emitted. The source of light should be fully shielded on the top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. For more information, visit www.darksky.org. (Section 3-2-8(b)(v)(B), RCSR, Effects on Public Health & Safety)

Radon Exposure. The owner understands and accepts the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. Property owners are encouraged to have their structures tested for radon. Contact the Ravalli County Environmental Health Department for further information. (Section 3-2-8(b)(v)(B), RCSR, Effects on Public Health & Safety)

Control of Noxious Weeds. A weed control plan has been filed in conjunction with this subdivision. Lot owners shall control the growth of noxious weeds on their respective lot(s). Contact the Ravalli County Weed District for further information. (Section 3-2-8(b)(v)(B), RCSR, Effects on Agriculture and Natural Environment)

Access Requirements for Lots within this Subdivision. The All Valley Fire Council, which includes the Hamilton Rural Fire Department, has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Hamilton Rural Fire Department for further information. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)*

Building Standards. The All Valley Fire Council recommends that houses within this subdivision be built to International Residential Building Code (IRBC) building standards. It is recommended that any commercial buildings be constructed to meet state building code requirements. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)*

Wood Stoves. The County recommends that home owners refrain from installing wood stoves if possible. The County further recommends that wood and other biomass burning stoves not be used as the primary heat source. If a homeowner chooses to burn wood as a back-up heat source, the County strongly encourages them to install an EPA-certified wood stove as the best option to reduce air pollution and more specifically, to install an EPA-certified pellet stove. More information on low emission, EPA-certified wood stoves is available at <http://www.epa.gov/woodstoves/index.html>. The State of Montana offers an Alternative Energy Systems Tax Credit to offset the cost of purchasing and installing a low emission wood or biomass combustion device such as a pellet or wood stove. Besides the tax credit for qualifying wood stoves, individual Montana residents can claim a tax credit for energy conservation investments made to a home or other building. For more information on the energy conservation tax credits and ways to save energy, please see the *Warm Hearts, Warm Homes* webpage (<http://deq.mt.gov/Energy/warmhomes/index.asp>) on the Montana Department of Environmental Quality's website. *(Section 3-2-8(b)(v)(B), RCSR, Effects on the Natural Environment)*

Archeological Resources. If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the State Historic Preservation Office shall be contacted to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate. *(Section 3-2-8(b)(v), RCSR, Effects on Natural Environment)*

Amendment. Written governing body approval shall be required for amendments to provisions of the covenants that were required to be included as a condition of subdivision approval. *(Effects on all six criteria)*

3. The subdividers shall include an RSID/SID waiver in a notarized document filed with subdivision plat that states the following: Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a

city/rural improvement district for any purpose allowed by law, including, but not limited to a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision including related right-of-way, drainage structures, and traffic control signs. *(Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services)*

4. Prior to final plat approval, the subdividers shall provide a letter from the Hamilton Rural Fire District stating that the subdividers have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for all lots. Alternatively, the subdividers may provide evidence that a \$500 contribution has been submitted to the Hamilton Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)*
5. The following statement shall be shown on the final plat: "The All Valley Fire Council, which includes the Hamilton Rural Fire District, has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Hamilton Rural Fire District for further information". *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)*
6. The subdividers shall submit a (amount) contribution to the Ravalli County Treasurer's Office to be deposited into an account for Public Safety Services (Sheriff, E-911, DES) prior to final plat approval. *(Effects on Local Services and Public Health & Safety)*
7. The subdividers shall submit a letter or receipt from the Hamilton School District stating that they have received a (amount) contribution prior to final plat approval. *(Effects on Local Services)*
8. The final plat shall show a no-ingress/egress zone along the Ricketts Road frontage, excepting the approved approaches. *(Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services and Public Health and Safety)*
9. Irrigation easements shall be shown on the final plat as shown on the preliminary plat. *(Section 3-2-8(b)(v)(B), RCSR, Effects on Agricultural Water User Facilities)*

FINAL PLAT REQUIREMENTS (RAVALLI COUNTY SUBDIVISION REGULATIONS)

The following items shall be included in the final plat submittal, as required by the Ravalli County Subdivision Regulations, Section 3-4-4(a) et seq.

1. A statement from the project surveyor or engineer prior to final plat approval outlining how each final plat requirement or condition of approval has been satisfied.
2. One paper and two mylar 18" x 24" or larger copies of the final plat, completed in accordance with the Uniform Standards for Final Subdivisions Plats (ARM 8.94.3003). (One paper copy may be submitted for the first proofing.) The final plat shall conform to the preliminary plat decision. The features listed in RCSR Section 3-4-4(a)(ii) are required on the Final Plat. Following are specific features related to this subdivision:
 - a) Existing and proposed utility easements, as shown on the preliminary plat, shall be shown on the final plat. (*see also, Prerequisite to Approval A*)
 - b) The proposed irrigation easements shall be shown on the final plat, as shown on the preliminary plat. (*Condition 9*)
3. The original copy of the preliminary plat decision shall be submitted with the final plat submittal.
4. Any variance decisions shall be submitted with the final plat submittal.
5. Copies of extensions of the preliminary plat approval period shall be submitted with the final plat submittal.
6. The final plat review fee shall be submitted with the final plat submittal.
7. Consent to Plat form, including notarized signatures of all owners of interest, if the developer is not the underlying title holder, shall be submitted with the final plat submittal.
8. A Title Report or updated Abstract dated no less than one (1) year prior to the date of submittal shall be submitted with the final plat submittal.
9. The DEQ Certificate of Subdivision Approval or RCEH approval shall be submitted with the final plat submittal.
10. The approved Ground Disturbance and Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soils disturbed within the subdivision shall be submitted with the final plat submittal.
11. Final Road and Driveway approach and encroachment permits from RCRBD.
12. Utility availability certification(s) shall be submitted with the final plat submittal.
13. A notarized statement from each downstream water user specifically authorizing any alteration, such as installation of culverts, bridges, etc., or relocation of any ditch.

14. Protective covenants to be filed with the final plat that are signed and notarized shall be submitted with the final plat submittal.
15. Copies of permits issued by the Bitterroot Conservation District or the US Army Corps of Engineers when construction occurs on environmentally sensitive features shall be submitted with the final plat submittal.
16. A copy of the letter sent to the Hamilton School District stating the applicant has made or is not willing to make a voluntary contribution to the school district to mitigate impacts of the subdivision on the school district that are not related to capital facilities; shall be submitted with the final plat submittal.
17. The applicant shall pay the pro rata share of the cost to improve the portion of Bowman Road and Ricketts Road leading to the subdivision from U.S. Highway 93 prior to final plat approval. (Section 5-4-5(d), RCSR)

SUBDIVISION REPORT

COMPLIANCE WITH PREREQUISITES TO APPROVAL

Section 3-2-8(a) of the RCSR states that the BCC shall not approve or conditionally approve a subdivision application and preliminary plat unless it establishes by credible evidence that the proposed subdivision meets the following requirements:

A. Provides easements for the location and installation of any planned utilities.

Findings of Fact

1. Existing utility easements are located along Ricketts Road. (Application)
2. The property has two existing homes, each of which is currently being served by Northwestern Energy and Quest Communications. (Application)
3. *Existing and proposed utility easements are required to be shown on the final plat. (Requirement 2)*

Conclusion of Law

The proposed subdivision application provides for utility easements.

B. Provides legal and physical access to each parcel within the subdivision and the notation of that access is included on the applicable plat and in any instrument transferring the parcel.

Findings of Fact

1. The subject property is accessed from U.S. Highway 93, Bowman Road, and Ricketts Road. (Application)
2. U.S. Highway 93 is a state maintained roadway that provides legal and physical access. (Application)

3. Bowman Road and Ricketts Road are county-maintained roadways that provide both legal and physical access to the proposed subdivision. (Application and Exhibit A, RCSR)
4. *To ensure legal and physical access to the subdivision the following requirements shall be met:*
 - *Prior to final plat approval, the subdividers shall submit final approach permits issued by the Ravalli County Road and Bridge Department. (Requirement 11)*
 - *The applicant is required to pay the pro rata share of the cost to improve the portions of Bowman Road and Ricketts Road leading to the subdivision prior to final plat approval, and shall obtain a pro-rata determination from the Ravalli County Road and Bridge Department. (Compliance with Applicable Regulations 'A', and Final Plat Requirement 17)*

Conclusion of Law

With the requirements of final plat approval, legal and physical access will be provided on U.S. Highway 93, Bowman Road, and Ricketts Road.

- C. Assures that all required public or private improvements will be installed before final plat approval, or that their installation after final plat approval will be guaranteed as provided by Section [3-4-2] of these regulations.**

Finding of Fact

The applicant is required to submit evidence that the following improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdividers prior to final plat approval (Requirement 11):

- Approaches to both lots shall be constructed in accordance with approach permits issued by the Ravalli County Road and Bridge Department.

Conclusion of Law

The final plat requirements or an improvements agreement and guaranty will ensure that all improvements are installed.

- D. Assures that the requirements of 76-3-504(1)(j), MCA, regarding the disclosure and disposition of water rights as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.**

Finding of Fact

1. 76-3-504(1)(j), MCA states that when a subdivision creates parcels with lot sizes averaging less than 5 acres, the subdividers is required to:
 - (i) reserve all or a portion of the appropriation water rights owned by the owner of the land to be subdivided and transfer the water rights to a single entity for use by landowners within the subdivision who have a

- legal right to the water and reserve and sever any remaining surface water rights from the land;
- (ii) if the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide the use of a water right on the subdivision lots, establish a landowner's water use agreement administered through a single entity that specifies administration and the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or
 - (iii) reserve and sever all surface water rights from the land.
2. The subdivision has the following water right which will be retained by Lot 1 (Application):
 - DNRC right 76H 5102 00, which appropriates 134.4 gallons per minute (GPM) from Blodgett Creek.
 3. The applicant is proposing a 10-foot wide irrigation easement which runs north to south along the western boundary and west to east along the northern boundary of the proposal. (Preliminary Plat)
 4. The placement of structures or the planting of vegetation other than grass within the irrigation easement is prohibited. (76-3-504(1)(k) MCA).
 5. *To ensure that the provisions of 76-3-504(1)(k) MCA are met, the following requirement and condition shall be met prior to final plat approval:*
 - *The proposed 10-foot wide irrigation easement is required to be shown on the final plat, as shown on the preliminary plat. (Final Plat Requirement 2)*
 - *A notification that Lot 2 does not have the right to take water from the irrigation ditches and that the placement of structures or the planting of vegetation other than grass is prohibited without the written permission of the ditch owner shall be included in the notifications document. (Condition 1)*

Conclusion of Law

With the requirement and condition of final plat approval, this prerequisite will be met.

- E. Assures that the requirements of 76-3-504(1)(k) MCA, regarding watercourse and irrigation easements as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.**

Findings of Fact

1. 76-3-504(1)(k) MCA states that, except as provided in subsection (1)(k)(ii) (the proposal does not meet the criteria in this subsection), the subdividers is required to establish ditch easements in the subdivision that:
 - (a) are in locations of appropriate topographic characteristics and sufficient width to allow the physical placement and unobstructed maintenance of open ditches or belowground pipelines for the delivery of water for irrigation to persons and lands legally entitled to the water under an appropriated water right or permit of an irrigation district or

- other private or public entity formed to provide for the use of the water right on the subdivision lots;
- (b) are a sufficient distance from the centerline of the ditch to allow for construction, repair, maintenance, and inspection of the ditch; and
 - (c) prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the ditch owner.
2. The applicant is proposing a 10-foot wide irrigation easement which runs north to south along the western boundary of the Lot 1 and continues east through a portion of Lot 2. (Preliminary Plat)
 3. The placement of structures or the planting of vegetation other than grass within the irrigation easement is prohibited. (76-3-504(1)(k) MCA).
 4. *To ensure that the provisions of 76-3-504(1)(k) MCA are met, the following requirement and condition shall be met prior to final plat approval:*
 - *The proposed 10-foot wide irrigation easement is required to be shown on the final plat, as shown on the preliminary plat. (Requirement 2)*
 - *A notification that the owner of Lot 2 does not have the right to use water from the irrigation ditch and that the placement of structures or the planting of vegetation other than grass is prohibited without the written permission of the ditch owner shall be included in the notifications document. (Condition 1)*

Conclusion of Law

With the requirement and condition of final plat approval, this prerequisite will be met.

F. Provides for the appropriate park dedication or cash-in-lieu, if applicable.

Finding of Fact

Parkland dedication or cash-in-lieu is not required of minor subdivisions creating only one additional lot. (RCSR Section 6-1-5 (b)(1))

Conclusion of Law

Because only one additional lot is proposed, this prerequisite is not required.

COMPLIANCE WITH APPLICABLE REGULATIONS

Section 3-2-8(b) of the RCSR states that in approving, conditionally approving, or denying a subdivision application and preliminary plat, the BCC shall ensure the subdivision application meets Section 3-2-8(a) above, and whether the proposed subdivision complies with:

A. These regulations, including, but not limited to, the standards set forth in Chapter 5.

Findings of Fact

1. The lot layout as indicated on the preliminary plat appears to meet the design standards in Chapter 5 of the RCSR.
2. This development plan proposal has followed the necessary application procedure and has been reviewed within the procedures provided in Chapter 3 of the Ravalli County Subdivision Regulations.
3. The applicant provided evidence regarding the status of an existing home and trailer located on the property. The information was intended to provide credible evidence proving that the home and the trailer have been in place since the enactment of the Montana Subdivision and Platting Act (MSPA) of 1973. (Application, Effects on Local Services)
4. The evidence was provided to ensure that a pro-rata payment would not be required. However, upon review of the materials, Staff determined that there is no credible evidence to eliminate a pro-rata payment. (Application, Staff Determination, and Effects on Local Services)
5. *To ensure that all provisions of the Ravalli County Subdivision Regulations are complied with, the applicant shall pay the pro-rata share, for one lot, of the cost to bring Bowman Road and Ricketts Road to County Standards. (Final Plat Requirement 17)*

Conclusions of Law

1. The preliminary plat and subdivision application meet all applicable standards required in the RCSR.
2. The procedures for the application and review of this proposed subdivision have been followed.

B. Applicable zoning regulations.

Findings of Fact

1. The subject property is under the jurisdiction of the interim zoning regulation limiting subdivisions to a density of one dwelling per two acres (recorded as Resolution 2038). The application complies with Resolution 2038.
2. The property is not within one of the voluntary zoning districts in Ravalli County.

Conclusions of Law

This proposal appears to comply with existing zoning regulations.

C. Existing covenants and/or deed restrictions.

Finding of Fact

There are no existing covenants on the property.

Conclusion of Law

There are no covenants that apply to this property.

D. Other applicable regulations.

Findings of Fact

1. Following are regulations that may apply to this subdivision:
 - Montana Subdivision and Platting Act, Title 76, Chapter 3, MCA
 - Montana Sanitation in Subdivisions Act, Title 76, Chapter 4, MCA
 - Ravalli County Subsurface Wastewater Treatment and Disposal Regulations
 - Montana Standards for Subdivision Storm Drainage (DEQ Circular 8)
 - Applicable laws and policies requiring permits related to development (U.S. Army Corps of Engineers, Bitterroot Conservation District, Ravalli County Road & Bridge Department, Montana Department of Transportation, Montana Department of Environmental Quality, etc.)
2. The applicants were made aware of the applicable regulations at the updated pre-application conference held on April 5, 2006.

Conclusion of Law

The application appears to meet all of the applicable regulations.

E. The MSPA, including but not limited to an evaluation of the impacts of the subdivision on the following criteria:

CRITERION 1: EFFECTS ON AGRICULTURE

Findings of Fact:

1. The proposed minor subdivision on 12.2 acres will result in 2 lots that range in size from 3.14 acres to 9.06 acres. The property is located approximately 1.5 miles west of the city of Hamilton off Ricketts Road. (Application)
2. Approximately 28% of the property is classified as farmland of Statewide Importance (NRCS Web Soil Survey).
3. The property has two existing homes and no additional home-sites will be created. (Application)
4. The applicant submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated spotted knapweed is scattered across the property. (Application)
5. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (7-22-2152, MCA)
6. *Following are conditions and requirements of final plat approval that will mitigate the impacts of the subdivision on agriculture:*
 - *A notification of proximity to agricultural operations shall be included in the notifications document filed with the final plat. The protective covenants, also filed with the final plat, shall include a provision requiring homeowners to keep pets confined to the house, a fenced yard, or in an outdoor kennel. (Conditions 1 and 2)*
 - *The approved Ground Disturbance and Noxious Weed Management Plan is required to be submitted prior to final plat approval. (Requirement 10)*

- *A noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*

Conclusions of Law:

With the mitigating conditions of approval and requirement of final plat approval, the impacts of the subdivision on agriculture will be reduced.

CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES

Findings of Fact

1. The subdivision has the following water right which will be retained by Lot 1 (Application):
 - DNRC right 76H 5102 00, which appropriates 134.4 gallons per minute (GPM) from Blodgett Creek.
2. The applicant is proposing a 10-foot wide irrigation easement which runs north to south along the western property boundary and west to east along the northern property boundary of the proposal. (Preliminary Plat)
3. The placement of structures or the planting of vegetation other than grass within the irrigation easement is prohibited. (76-3-504(1)(k) MCA).
4. *To ensure that the provisions of 76-3-504(1)(k) MCA are met, the following requirement and conditions shall be met prior to final plat approval:*
 - *The proposed 10-foot wide irrigation easement is required to be shown on the final plat, as shown on the preliminary plat. (Requirement 2 and Condition 9)*
 - *A notification that Lot 2 does not have the right to take water from the irrigation ditches and that the placement of structures or the planting of vegetation other than grass is prohibited without the written permission of the ditch owner shall be included in the notifications document. (Condition 1)*

Conclusion of Law

With the mitigating condition of approval and requirement of final plat approval, the impacts of the subdivision on agricultural water user facilities will be reduced.

CRITERION 3: EFFECTS ON LOCAL SERVICES

Findings of Fact:

Fire District

1. The subdivision is located within the Hamilton Rural Fire District. (Application)
2. The Hamilton Rural Fire District has adopted Fire Protection Standards, which address access, posting of addresses, and water supply requirements. The Fire District also recommends that houses within this subdivision be built to International Residential Building Code (IRBC) building standards. (Exhibit A-1)
3. The applicant has provided information showing that the subject parcel has had two dwelling units on it since approximately 1968. According to the

applicant, one of the dwellings (mobile home) burned down in 2000 and was replaced in 2001. (Application)

4. Montana Department of Revenue records indicate that the property has only been assessed taxes for one dwelling unit (farmhouse constructed in 1900's). (Application)
5. *The following conditions will mitigate impacts of the subdivision on the Fire District:*
 - *Provisions shall be included in the covenants requiring that addresses are posted as soon as construction begins, and that all driveways over 150 feet meet the standards of the Fire District. (Condition 2)*
 - *The covenants shall include a provision recommending that houses are built to meet IRBC standards. (Condition 2)*
 - *Prior to final plat approval, the subdividers shall provide a letter from the Hamilton Rural Fire District stating that the subdividers have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for all lots. Alternatively, the subdividers may provide evidence that a \$500 contribution has been submitted to the Hamilton Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. (Condition 4)*
 - *The following statement shall be shown on the final plat: "The Hamilton Rural Fire District has adopted Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Hamilton Rural Fire District for further information". (Condition 5)*

School District

6. Notification letters were sent to the Hamilton School District requesting comments on January 23, 2008 and March 5, 2008, but no comments have been received from the School District. (Subdivision File)
7. The applicant has provided information showing that the subject parcel has had two dwelling units on it since approximately 1968. According to the applicant, one of the dwellings (mobile home) burned down in 2000 and was replaced in 2001. (Application)
8. Because there are two existing homes, and no future homes are proposed, it is estimated that approximately 0.0 school-aged children will be added to the Hamilton School District. (Application)
9. The cost per pupil for one year in the Hamilton School District, excluding capital costs, is \$6,619. Taxes from new residents are not immediately available to the school districts. (Exhibit A-2)
10. Montana Department of Revenue records indicate that the property has only been assessed taxes for one dwelling unit (farmhouse constructed in 1900's). (Application)
11. *Staff recommends that the applicant negotiate a contribution with the BCC, in consultation with the Hamilton School District, if possible, to mitigate potential impacts on the School District. (Condition 7 and Requirement 16)*

Water and Wastewater Districts

12. Individual wells and wastewater treatment systems are proposed to serve the lots. The property is not near any municipal water or wastewater systems. (Application)

Law Enforcement and County Emergency Services (Sheriff, E-911, DES)

13. The Ravalli County Sheriff's Office provides law enforcement services to this area. (Application)
14. Notification letters were sent to the Ravalli County Sheriff's Office requesting comments on January 23, 2008 and March 5, 2008, but no comments have been received from the Sheriff's Office.
15. The average number of people per household in Ravalli County is 2.5. (Census 2000)
16. The applicant has provided information showing that the subject parcel has had two dwelling units on it since approximately 1968. According to the applicant, one of the dwellings (mobile home) burned down in 2000 and was replaced in 2001. (Application)
17. Montana Department of Revenue records indicate that the property has only been assessed taxes for one dwelling unit (farmhouse constructed in 1900's). (Application)
18. *To mitigate impacts on local services, the subdividers shall submit a (amount) contribution to the Ravalli County Treasurer's Office to be deposited into an account for Public Safety Services (Sheriff, E-911, DES) prior to final plat approval. (Condition 6)*

Emergency Services

19. Ambulance services will be provided by Marcus Daly Memorial Hospital EMS Dept. Marcus Daly was contacted but no comments have been received to date. (Subdivision File)

Solid Waste Services

20. Bitterroot Disposal provides solid waste service to this site. (Application)
21. Notification letters were sent to Bitterroot Disposal requesting comments on January 23, 2008 and March 5, 2008, but no comments have been received. (Subdivision File)

Utilities

22. Both dwelling units within the proposed subdivision are currently being served by Northwestern Energy and Qwest Communications. (Application)
23. Notification letters were sent to both utility companies requesting comments on January 23, 2008 and March 5, 2008, but no comments have been received to date. (Subdivision File)
24. *The following requirements will mitigate impacts of the subdivision on local utilities:*
- *Existing and proposed utility easements shall be shown on the final plat. (Requirement 2)*

- *The applicant shall submit utility availability certifications from Northwestern Energy and Qwest Communications prior to final plat approval. (Requirement 14)*

Roads

25. Ricketts Road provides access to the subdivision from Bowman Road and US Highway 93. Ricketts Road and Bowman Road are county-maintained and U.S. Highway 93 is state operated. (Application and Exhibit A, RCSR)
26. Section 5-4-5 (d) of the Ravalli County Subdivision Regulations requires the applicant to pay the pro-rata share of the cost to improve non-county standard county-maintained roads.
27. The original home was built on the property in the early 1900's, and has existed to this day. (Application)
28. A trailer was erected on the property in 1968, and, according to the subdivider's consultant, subsequently burnt down in 2000. In 2001 the applicant replaced the destroyed trailer. Tax records indicate that only the farmhouse is being assessed. (Application)
29. The definition of pro-rata found within the RCSR relieve the developer from paying the pro-rata share for homes that have been in place on the proposed subdivision site prior to the enactment of the Montana Subdivision and Platting Act (MSPA) of 1973.
30. The applicant submitted credible evidence, in the form of tax records, to the Planning Department showing that one home has been in place since the enactment of the MSPA. (Application)
31. The applicant has not submitted credible evidence to the Planning Department demonstrating that the trailer has been in place since the enactment of the MSPA. (Staff Determination)
32. *To mitigate impacts on the roads leading to the subdivision, the following conditions and requirements shall be met:*
 - *To mitigate potential impacts of this subdivision on any possible future public water, sewer system, or improvements to the road system, the RSID/SID waiver filed with the final plat shall address these services/facilities. (Condition 3)*
 - *The final plat shall show a no-ingress/egress zone along the Ricketts Road frontage of the subdivision, excepting the approved approaches, and a notification of the no-ingress/egress zone shall be included in the notifications document. (Requirement 2 and Conditions 1 and 8)*
 - *The applicant is required to pay the pro rata share of the cost to improve the portions of Bowman Road and Ricketts Road leading to the subdivision prior to final plat approval, and shall obtain a pro-rata determination from the Ravalli County Road and Bridge Department. (Compliance with Applicable Regulations 'A', and Final Plat Requirement 17)*

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, impacts of the subdivision on local services will be reduced.

CRITERION 4: EFFECTS ON NATURAL ENVIRONMENT

Findings of Fact:

Air Quality

1. This proposed subdivision will not add any new homes to Ravalli County. (Application, 2004 Aerial Photograph and Site Visit on 3/8/08)
2. The Montana DEQ has identified that burning sources – such as fireplaces and wood stoves – are the most common sources of particulate matter (PM-10 and PM-2.5). The smaller PM-2.5 particles, often referred to as "fine particulates," are easily inhaled and can cause tissue damage, emphysema, bronchitis, and cardiovascular complications. Children, seniors, and individuals with pre-existing respiratory diseases are most susceptible to these health risks. (Montana DEQ Citizens Guide to Air Quality in Montana' <http://www.deq.mt.gov/AirMonitoring/citguide/understanding.asp>)
3. *To mitigate impacts on air quality, the covenants shall include a provision recommending that homeowners refrain from installing wood stoves. (Condition 2)*

Ground Water Quality

4. The applicants are proposing individual wells and wastewater facilities. The applicants submitted water and sanitation information per MCA 76-3-622. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Exhibit A-3)
5. *The applicant is required to submit a DEQ Certificate of Subdivision Approval prior to final approval. (Requirement 8)*

Surface Water Features

6. There are no streams, rivers, riparian areas or wetlands on or adjacent to the property. (Application, Site Visit, GIS data)

Vegetation

7. The applicants submitted a Ravalli County Subdivision Noxious Weed Evaluation Form that stated spotted knapweed is scattered on the property.
8. According to MCA 7-22-2152, any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board.
9. The Montana Natural Heritage Program found that there were no plant species of concern within the same sections as the subject property (Application).
10. *To mitigate impacts on the natural environment, a noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*

Archaeological Resources

11. In a letter dated March 10, 2008, Damon Murdo of the Montana Historical Society (MHS) stated that if any structures over 50 years old are planned for alteration, it is recommended that the National Register of Historic Places be notified and they be registered and a determination of their eligibility be made. (Application)
12. *To mitigate possible impacts on any potential sensitive historical, cultural, archaeological, paleontological, and/or scenic sites, the following statement shall be included in the covenants: "If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the developer will contact the State Historic Preservation Office to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate". (Condition 2)*

Conclusion of Law:

Impacts from this subdivision on the natural environment will be reduced with the mitigating conditions and requirements of final plat approval.

CRITERION 5: EFFECTS ON WILDLIFE & WILDLIFE HABITAT

Findings of Fact:

7. Montana Fish Wildlife and Parks provided comments regarding this particular proposal, and recommended "Living with Wildlife" covenants specific to this proposal. (Exhibit A-4)
8. The property is not located within big-game winter range. (FWP)
9. According to the Montana Natural Heritage Program, the Gray Wolf, Townsend's Big-Eared Bat, Fringed Myotis, Bald Eagle, and Western Skink were identified as species of concern as they have been known to exist in the same section as the proposed subdivision. The subdividers requested and received a waiver from the requirement to submit a sensitive species report because of lack of habitat on the property for all species. (Application)
10. *To mitigate impacts on wildlife, the following conditions shall be met:*
 - *The covenants shall include a living with wildlife section. (Condition 2)*

Conclusion of Law:

With the mitigating conditions of approval, impacts on Wildlife & Wildlife Habitat will be reduced.

CRITERION 6: EFFECTS ON PUBLIC HEALTH & SAFETY

Findings of Fact:

Traffic Safety

1. Access is proposed off Ricketts Road from Bowman Road and US Highway 93. (Application)
2. *The requirements and conditions listed under Roads in Criterion 3 will mitigate the impacts of the subdivision on traffic safety.*

Emergency Vehicle Access and Response Time

3. The proposed subdivision will be served by the Hamilton Rural Fire District, the Ravalli County Sheriff's Office, and Marcus Daly Memorial Hospital EMS Department. (Application)

4. *The requirements and conditions listed under Fire District, Law Enforcement, Emergency Services, and Roads in Criterion 3 will mitigate the impacts of the subdivision on emergency vehicle access and response time.*

Water and Wastewater

5. The applicants are proposing individual wells and wastewater facilities. The applicants submitted water and sanitation information per MCA 76-3-622. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Application)
6. *The applicant is required to submit a DEQ Certificate of Subdivision Approval prior to final approval. (Requirement 21)*

Natural and Man-Made Hazards

1. According to a document titled "Radon and You, Promoting Public Awareness of Radon in Montana's Air and Ground Water" published by DEQ and the Montana Bureau of Mines and Geology, there is a high potential for radon in Ravalli County. (DEQ)
2. The preliminary plat and soils map indicate that the subdivision may have soils rated as "Very Limited" for road and building construction. (Application)
3. *To mitigate the impacts on public health and safety, the following conditions and requirements shall be met:*
 - *The protective covenants shall include a provision recommending full cut-off lighting on new construction. (Condition 2)*
 - *The covenants shall include a statement regarding radon exposure. (Condition 2)*
 - *To educate property owners and to mitigate potential impacts of this subdivision on Public Health & Safety, a notification of the potential for Very Limited soils shall be included in the notifications document filed with the final plat. A reduced plat showing the approximate locations of soils rated as Very Limited for roads and building construction and descriptions of the soils in question shall be attached to the notifications document as an exhibit. (Condition 1)*

Conclusion of Law:

The mitigating conditions and requirements of final plat approval will address impacts on Public Health & Safety.

Commissioner Grandstaff opened public comment.

John stated the water rights will remain on Lot 1. He discussed the pro rata share of what is allowable and what is not allowable. John explained the credible evidence and believes they should not have to pay pro rata share. He stated he did contact Ron Ehli for the Fire District. Up until a year ago, it was occupied, therefore there will not be additional impacts. Commissioner Grandstaff asked if it was a defacto subdivision. John replied it is a rent/lease. Commissioner Grandstaff asked about the sewer system. John replied the farmhouse is exempt and in 2005 it was replaced to current standards.

Karen Moore resides on Ricketts Road and she is concerned with the density of housing on the land. She stated they have had issues with the land and how it will impact the ground water situation. Commissioner Grandstaff stated the State Law limits 1 septic system per 1 acre. John stated the land is very wet.

Steve Denney stated he needs to sell this property to pay off his mortgage.

Commissioner Grandstaff closed public comment and opened Board deliberations.

Commissioner Rokosch asked about the irrigation ditch on the west side. Steve replied it comes from the west down into the main ditch about ¼ mile from the house. Commissioner Rokosch stated he is curious about the decision to take all the water rights on Lot 1. John replied there is plenty of ground water. The well was tested at 40 gallons per minute with a depth of 30 feet.

Commissioner Rokosch questioned the farmland of state wide importance. Tristan pointed out the area on the map around Lot 2 indicating where the farm land exists.

Commissioner Grandstaff asked for any additional questions.

Commissioner Chilcott stated with respect to effects on services, in the past, we have seen recognition of existing dwellings paying taxes on the residential units over a period of time. What the Board tries to do with the exactions being collected is to mitigate the effects. Without current tax records, his concern is having a factual recognition of a dwelling unit.

John replied for fire district and schools he believes they are prepared to discuss mitigation. For pro rata, the rules say the structures existed. The credible evidence is the tax records and waste water permits. Are we going to follow what is written for what pro rata is based upon? Commissioner Chilcott stated he is not sure about pro rata but the Board must follow the rules. There was a break when it was non-conforming. Tristan stated the pro rata reads "dwelling has been in place since the enactment and replaced". He could not find any records to support tax being collected. John stated there are other records supporting the taxes.

Commissioner Thompson asked if the land has been taxed as a single family unit. John replied yes that is one of the mechanisms shown.

Commissioner Rokosch questioned the driveway access onto Ricketts Road. John replied there are two approach permits.

1. Effects on Agriculture: Commissioner Grandstaff asked about the weed plan. John replied they submitted an application to the agency. Commissioner Rokosch questioned the non-splitting of the water rights. Steve replied they do not get a lot of water to irrigate with and last year there was hardly anything. Commissioner Rokosch expressed his concern with the soils on Lot 2 and pulling water off of the most productive farmland. He

also questioned the delivery system and the coordination of the water rights and the ditch rider. Karen Mahar replied there has been some mis-management of turning the water on for the fourth water rights. She stated hopefully this year it will be handled differently.

William Bolen questioned the rules with the Blodgett District. John stated since the right is obtained on Lot 1, they did not discuss the water. Commissioner Grandstaff stated Steve would have to conform to the conditions issued by the fourth water right users. John replied yes that is right. Commissioner Grandstaff expressed her concern with the purpose of diverting all the water to one lot leaving no water for any agriculture use on the remaining lots. Commissioner Chilcott stated people can buy water rights and sees it as a commodity. Commissioner Grandstaff stated it seems pointless of saddling a future landowner with obtaining water rights. John replied the whole future of water rights and public wells we do not know what it looks like. With releasing water rights, we are creating more levels and layers to work through. Commissioner Chilcott stated if the water district has something to regulate the water going with the land, if the water district says it is ok, then it is ok with him. He requested a letter from the water district. Commissioner Rokosch asked Tristan if the water district has been contacted. Tristan replied he was not aware it was in a water district and therefore they were not contacted. Commissioner Grandstaff stated they will add it to the conditions to have a letter from the water district. Commissioner Rokosch requested the condition language for the letter.

Commissioner Grandstaff requested a vote. Commissioner Rokosch questioned the easement along Lot 1. John replied there is one and it runs North and South and East and West.

All voted sufficiently mitigated.

2. Effects on Agricultural Water Users: All voted sufficiently mitigated.

3. Effects on Local Services: Commissioner Grandstaff discussed the contributions on Public Safety versus Public Services. She stated the normal mitigation has been \$200 per lot. Steve agreed. Commissioner Chilcott questioned the taxes paid and how it mitigates some of the effects on local services. **Commissioner Chilcott stated the offered mitigation is \$500 per new lot for the Fire District, \$500 per new lot for the Schools and \$200 per new lot for Public Safety and \$200 per new lot for Public Services.** John requested these be paid upon final conveyance. Commissioner Rokosch discussed the cost of educating pupils per district in Hamilton. The local neighboring taxpayer's share for Hamilton is \$2,329 and based on the census figures we can cut those figures in half being \$1,180 for non-capital costs. John discussed the monies that will be generated from a new housing unit. Commissioner Rokosch expressed his concerns with the offered mitigation for the school district. John asked about the timeframe coverage with the existing mobile home. Commissioner Rokosch replied it is to cover the impacts between annual costs and when the taxes generated from the lot is received by the school. John replied they will stay with the \$500 per lot contribution for the school payable upon first conveyance since this is a unique situation.

Commissioner Grandstaff discussed the pro rata share. John replied it comes down to the interpretation of the definition. To him, it comes down to credible evidence. Commissioner Thompson questioned the 16 trips per day generated. Tristan stated if they were assessed pro rata it would be based on ADT. Commissioner Rokosch questioned the status of the second residence and the earlier septic permit. John replied it was before there were permits in 1972. The replacement permit was issued in 2005. Commissioner Rokosch stated pro rata is needed in this case based upon the pro rata should have been collected in 2004 for the rent or lease subdivision. Commissioner Chilcott questioned Commissioner Rokosch's rationale for pro rata on rent or lease. He stated they did replace the appropriate system and went through the regulations in place at the time, therefore it should not be used as basis at this time. John stated in the case of a modification permit, you can pull out a trailer and put a house on it. He stated there may be lag time.

Commissioner Grandstaff requested a vote.

Commissioner Chilcott and Commissioner Thompson voted sufficiently mitigated. Commissioner Rokosch and Commissioner Grandstaff voted non-sufficiently based upon the offered mitigation for the school district.

4. Effects on Natural Environment: All voted sufficiently mitigated.

5. Effects on Wildlife and Wildlife Habitat: All voted sufficiently mitigated.

6. Effects on Public Health and Safety: Commissioner Chilcott and Commissioner Thompson voted sufficiently mitigated. Commissioner Rokosch and Commissioner Grandstaff voted non-sufficiently based upon the offered mitigation for the public safety.

Tristan stated the subdivider shall submit a letter prior to final plat approval from the Irrigation District stating the districts preference for an irrigation plan, unless the Irrigation District does not have bylaws authorizing decision making, in which case the proposal to sever rights and return with Lot 1 shall be accepted. If the water rights are to be allocated between the lots, the subdivider shall file a master irrigation plan and irrigation agreement in accordance with Section 3-1-5 (a) XXXV of the RCSR.

Commissioner Thompson made a motion to approve Denney Two-Lot Minor Subdivision based on the findings of fact and conclusions of law in the Staff Report and subject to the conditions in the staff report and mitigations set forth today. Commissioner Chilcott seconded the motion.

Tristan questioned the pay of pro rata. Commissioner Thompson, Commissioner Rokosch, and Commissioner Grandstaff agreed pro rata must be paid.

Commissioner Thompson amended his motion to include the payment of pro rata. Commissioner Chilcott seconded the motion.

Commissioner Grandstaff, Commissioner Thompson and Commissioner Chilcott voted 'aye'. Commissioner Rokosch voted 'nay'.

Commissioner Driscoll returned from morning meeting.

► The Board met to discuss and decide on a Selection Committee for Groundwater Vulnerability Consulting Project. Present was Environmental Health Director Lea Jordan.

Commissioner Grandstaff called the meeting to order and requested Lea to give an overview.

Lea stated she has received 5 to 6 applicants and is looking for direction from the Board on moving forward. Commissioner Grandstaff asked what Lea's preferences were to having someone chosen. Lea replied within a couple of weeks. She is looking at DNRC, Renee Lemon, Ken Miller, herself and a Commissioner on the selection committee. Commissioner Chilcott suggested having two Commissioners. Commissioner Rokosch volunteered as well as Commissioner Chilcott.

Commissioner Grandstaff asked Lea what the mapping project would include. Lea replied she is still determining it based on the funding available which is approximately \$49,000. She stated she is still reviewing the detailed cost proposals to see if they would include the entire valley or portions. She stated the goal is to have a useful tool. Commissioner Rokosch stated where contaminants are above background levels in certain areas, you need to take a closer look. Commissioner Chilcott stated the goal is to get a tool for better informed decision making. We are not going to un-do Grantsdale. We may not be able to get accurate data however, it could be used in higher density areas. Lea stated they would be able to use the tool for good solid data to make good decisions on higher levels of septic treatment or design. This should be able to give us a basic idea of suitability. Commissioner Rokosch stated in the critical areas, they identify potentially problematic areas. He stated there is a possibility of finding cheaper ways to define particular high resource value area.

Commissioner Grandstaff requested the Board's consensus on approving the recommended Selection Committee.

Michael Howell asked if Lea was trying to coordinate this effort with the City of Hamilton. Lea replied they have written a grant with the City and did get it.

Commissioner Rokosch suggested having a hydrologist on the Selection Committee. Commissioner Chilcott suggested possibly having a realtor or contractor for input. He stated the reason why he is bringing it up is with Clarion. With contractors being hired with new information associated, we have someone (part of the community) it could be considered upfront. Lea asked if Commissioner Chilcott had anyone in mind. Commissioner Chilcott replied possibly Chip Pigman. Commissioner Rokosch suggested a monitoring network and to think about input from a hydrologist.

Lea stated they did not require interviews with consultants and asked the Board for guidance. Commissioner Grandstaff stated normally they select down to three or four and then interview them. Commissioner Grandstaff suggested asking Roger DeHaan to participate as well.

Commissioner Grandstaff recommended to Lea to move forward with selecting members for the Selection Committee. The Board concurred.

Minutes: Glenda Wiles

► The Board met to award the Courthouse roofing proposal. Present was Maintenance Director Brian Jameson. Brian indicated he reviewed the four bids making a recommendation of Montana Roofman at \$51,900.00 with a 25-year warranty. Discussion included the use of Montana Roofman on the main Courthouse roof and the change orders that resulted in more monies necessary to complete the project. The Board indicated they would like to visit with Steve Marshall of Montana Roofman prior to awarding this contract.

► The Board met with the Selection Committee for the Human Resource Director position which included Deputy County Attorney Karen Mahar. The Board invoked a closed door session due to discussion of applicants and personnel. It was agreed that Glenda will begin to set up interviews with four of the applicants.

► The Board met with Planning Director Karen Hughes, Planner Renee Lemon, Deputy County Attorney Karen Hughes, and County Attorney George Corn, in regard to several issues which included the legal and policy questions in regard to Subdivision Review which is continued from the February 20th meeting.

CDBG Contract – Karen Hughes noted the stated has not completed their portion of this contract. She asked the Commissioners if they have any issues of concern and if they do let her know and this issue will be re-calendared.

Approval of Comprehensive Planning Program Proposal – Karen Hughes.

Commissioner Chilcott made a motion to approve the Comprehensive Planning Program Proposal. Commissioner Driscoll seconded the motion and all voted “aye”.

Karen presented an agenda with meeting goals for the remainder of the agenda (see attached). Deputy County Attorney Karen Mahar stated it will be most efficient to legally review this after we see what you would like to see.

- Karen Hughes addressed the issue of **Resolving Questions and Concerns Regarding Subdivision Review in regard to a Commissioners’ Policy**. First is to classify the question or issues as a clarification, policy or regulation. (See attached). This should help limit the frustrations in the subdivision review. Commissioner Chilcott stated this memo is clear and memorializes what the Commissioners have discussed in the past meetings. The other Board Members concurred. Commissioner Driscoll addressed the clarification of issues that might

be part of future regulations. Karen Hughes stated part of Planning Staff's goal will be to advise the Commissioners if this is a specific question to that particular subdivision or is a question that fits more into the Regulation category. Commissioner Rokosch asked about Policy issues such as clarification about the TMDL (Total Maximum Daily Loading). Karen stated these are interpretations of the regulations. Most questions will be an evaluation of if they can interpret them or send them through the regulatory changes. George Corn stated TMDL is a good example of that interpretation. Deputy County Attorney Karen Mahar stated under the current regulations the Board is allowed to work with the Planning Department in regard to a review of certain elements. The regulations allow some flexibility to ask about more information in order to analyze the application. The Planning Staff should be able to help work through this and decide if there is a need for legal review. Commissioner Grandstaff asked for an example: Effects of Ag. Karen Hughes noted in some subdivisions the Commissioners ask about Farmland of Local Importance, not just Statewide Importance. The Planning Staff will look to make sure this is a directive from the Board. We then look to see if this is a policy explanation or a necessary regulation change. We consult with legal counsel during this review. We then bring that answer back to the Board so they can adopt as a policy or adopt as a regulatory change. Commissioner Grandstaff asked for an example on regulatory change. Karen Mahar addressed the TMDL as a good example. There are certain criteria that have an impact on subdivision review. This is a scientific process for guidelines so standards can be set in order to measure the data. George stated in regard to TMDL there must be a study, and guidelines to follow that the state must have adopted. If not it would not be legally defensible. Karen stated the TMDL's is going to be put on the regulatory back burner at this time. Commissioner Rokosch asked George in their judicial role for subdivisions; the criteria don't always involve a regulation, as some involve mitigation. He stated he is struggling to see the nexus to make this a regulatory issue. Currently we are making determinations of the farm land as local importance and we requiring some sort of mitigation. Karen Mahar stated if you build a house on what was agricultural, you have disturbed agricultural land and the same with game corridor. With the game corridor there is an agency to respond to that. With TMDL there is no agency regulation, thus there is no standard. Lea Jordon stated certain things need to be addressed; some agencies have recommendations, but there aren't any State recommendation. There is no categorization of where the nutrients are coming from. What has to be determined is what is the best mechanism to reduce the loading – reduced density, level 2 treatment systems. This should be a more regulatory issue, not subdivision specific, because they need the scientific data. Commissioner Rokosch stated he would like to use the numeric standard of the Clark Fork so this can be addressed. Commissioner Driscoll asked about the air quality in regard to having the statistics. Lea stated if you regulate anything based on air quality; we have to have an established air quality program which is what we are working towards. Karen Hughes stated that is sketchy because subdivision review is lot layout and infrastructure, not what is within a home, which is more of a building code issue. The Board can make recommendation under the covenants. Planning

Board Member Lee Kiereg asked about effects on agriculture – this appears to be subjective as there are no standards. What is the proper mitigation – one approach is money or trading land for land. What other tools are there? And what is our earmark for how much to ask for? Karen Mahar stated they do not have an amount. Commissioner Chilcott stated this is off the subject discussion.

Commissioner Chilcott made a motion to adopt the Resolving Questions and Concerns Regarding Subdivision Review. Commissioner Driscoll seconded the motion and all voted “aye”.

Commissioner Rokosch stated they still need to discuss what they are doing with the list of items that come forth. If we are looking at regulation changes, some more complex than others, can or should the Planning Board have a role in these regulation changes.

- Renee addressed the review of subdivision review criteria (see attached agenda) and specifically addressed the Effects on Agricultural Water User Facilities and the required application items specifically the Subdivision Application form; the Preliminary Plat; Proposed Covenants; Proposed easements; Documentation of existing water rights; Vicinity Maps; Aerial Photos; List of downstream irrigation users; Master irrigation Plan; Preliminary Road plans; Preliminary property owner's; and Environmental assessment. Renee also addressed the applicant's proposed mitigation of identified impacts which might include agricultural lands. In regard to agency comments, Renee stated the Right to farm and Ranch Board has asked that the Planning Staff cease to notify them of subdivisions right now. The Planning Staff relies on the irrigation districts to address the irrigation easements. They rely on DNRC to ensure the proposal meets state laws. In regard to public comment, Renee stated she has not had a subdivision that had public comments in regard to the effects on agriculture. Karen stated Daly Estates Subdivision had public comments from the Besseney neighbors, which was incorporated into the conditions. Renee stated site visits help in identifying land use around the subdivision. Renee also noted the need for existing water rights; discussion at the Planning Board meeting that will help provide insight; findings from another review criterion that might impact or conflict with other findings of fact; and lastly the conditions in the staff report and requirements of final plat approval regarding agriculture water user facilities.
- In regard to any questions the Board might have on this criterion for agriculture: Commissioner Rokosch indicated the soils of local importance is important to him. Commissioner Chilcott asked what do we do with that information. Commissioner Rokosch replied if it is a negative effect there needs to be mitigation, and what constitutes sufficient mitigation. Commissioner Chilcott asked what makes the classification. Karen Mahar stated this would be a policy issue in regard to having that information provided at the subdivision. Commissioner Chilcott stated our agricultural community wants us to support their right and opportunity to produce agriculture, but not to sentence the property to that use. Commissioner Chilcott stated if we define every clump of land as

agricultural, then what are we doing to the agriculture producers. Commissioner Rokosch stated the Open Land Program has allowed us to obtain monies for that mitigation between \$250-\$500.00. He does not feel that amount is adequate and they need to develop the rationale to develop those numbers. Other mitigations could be an off set of other acreage; fee title, conservation easements etc. Commissioner Driscoll stated she sees both sides of this and feels they might need more detail. Commissioner Chilcott stated they are charging this person a fee to exit the agriculture industry. Commissioner Rokosch asked for Board opinion on land of local importance is a policy question. Commissioner Grandstaff stated she wants to review the information from Planning of the issue of local importance prior to making that determination.

Planning Board member Les Rutledge stated the real problem is what is significant on the six criterion, as there is no guidance or standard in the MCA. What is legally defensible? The statutes are ambiguous and it creates this discussion. Commissioner Thompson agrees but feels it is appropriate as he and Commissioner Rokosch disagree on the soils of local importance. Commissioner Rokosch stated the overall goal is to see if there are issues that need to be mitigated and if so, how do we do that. Sleeping Child Farms is a good e.g.; it was not listed as statewide importance, but it was valuable orchard land. Commissioner Driscoll doesn't necessarily disagree, it is just that she has enough information to make that determination, but she also wants more information in regard to the culture of removing the ground. Lee stated the question is if we are interested in saving any farm ground, because sometime in the future we are going to need farm land to sustain our community. The creative process is how do we do that? What is our goal, it is a policy decision. \$500.00 is not enough. Park Board Member Robert Cron agreed once the house is there, the ground is gone and there really isn't any way to mitigate this. Commissioner Grandstaff stated the standard letter we get from the NRCS does not really tell us anything, and it is the Board's determination to figure out what we need to use in the review process. Commissioner Chilcott asked who defines what is a reasonable return on your property – is it up to the community or the owner. If we are going to save ground through an exaction of fees, we should be talking about the most efficient ground – i.e., prime ground. If we drop the bar down to a gravel bar that is a whole other discussion. Commissioner Thompson stated in regard to Lee and Les's comments, it depends upon what transpires. Property used to be pasture his land with cows, then a subdivision occurred. He raises cows on his lot, purchasing fertilizer, hay etc. Thus he supports the agriculture industry. The lots next to him raise horses, lamas, sheep etc. Just because it is subdivided does not mean it is not agricultural land, it is actually more intense now than it was. Commissioner Grandstaff stated some communities require demolition on retail stores when they close. Michael Howell stated similar dilemmas such as Open Lands and pro rata. Commissioner Driscoll stated with taking pro rata and not doing anything on the road, you need to spend on that, otherwise you are fooling yourself. Commissioner Chilcott stated farm land of local importance is the least efficient farm ground we have. Commissioner Grandstaff stated Sleeping Child

Farms is a good example. Renee stated that was rated as prime. Commissioner Rokosch stated the orchard lot was not rated as prime land. Commissioner Grandstaff stated by the rules we have adopted, if we wanted this to be a policy change, do we put this in written form? Karen stated no it can be verbal.

Commissioner Rokosch made a motion for a recommendation to planning to consider policy change to include farmlands of local importance in the subdivision review process. Commissioner Grandstaff seconded the motion.

Discussion: Commissioner Rokosch suggested including a legal review with this. Commissioner Driscoll stated she would like more information. Renee stated you might want NRCS to come over and give presentation. Commissioner Rokosch wants the information to be clear so the question is not asked the next time around. Karen Hughes stated they want the question to be clear so they know.

Commissioner Driscoll, Commissioner Grandstaff, and Commissioner Rokosch voted "aye". Commissioner Chilcott and Commissioner Thompson voted "nay".

Commissioner Grandstaff had question in regard to the weed mitigation during May which is a timing issue. She would like to see something more definite. She stated the weed Board is not getting notified prior to construction. John Lavey stated it was an issue of the subdivision going in prior to this requirement. Commissioner Grandstaff stated the Weed Department is getting ready to bring in a whole new weed policy and should solve the problem. Karen stated at Preliminary, they submit evaluation; at final, they submit their final plan. Commissioner Rokosch stated the plan should be in the preliminary plat. Commissioner Grandstaff stated with the new changes we might want to wait on this conversation.

- Commissioner Grandstaff questioned in regard to public comments – RTRF don't want the comments because they can not make any substantive comments? Karen Hughes stated she is not sure what all the factors are.
- Commissioner Grandstaff questioned in regard to cluster development – is there a definition? Karen Hughes stated there is a bunch of things happening at once (such as zoning) on this issue. They will review this with legal counsel. Karen H stated the Commissioners can negotiate over the development of the lots, because if there is agricultural land in one portion and not in another – they can mitigate that if the developer is willing to do that. Requiring cluster development takes a regulatory decision, but you can negotiate. Karen Mahar stated by each subdivision you have that right to negotiate. Karen Hughes said an example is Saddle Hills with only having one lot where the wildlife habitat was a negotiation of the wildlife. Commissioner Rokosch asked should we have clustering in our subdivision regulations. Karen Hughes stated the suggestion is that we move forward on the cluster development and transfer of development rights. This could go hand in hand with the zoning.
- Commissioner Rokosch asked about riparian zones. Renee stated this can and should be handled on a case by case basis. Commissioner Rokosch asked about encouraging agricultural development in outlying areas. He suggested they look

at a policy to encourage and guarantee some protection for the agricultural land. Commissioner Grandstaff said a statement was made in a recent subdivision was that if the Board granted this subdivision, the developer (Dick Martin) would not develop other agricultural lands. She stated the Board could come up with a policy for a loss of agricultural land. Commissioner Driscoll stated if development can be pulled closer to town it saves..... Commissioner Rokosch said leaving it up to the market has not worked out well. If we are going to balance this, then we need to develop a policy. Commissioner Grandstaff stated she would like to see this in writing. Commissioner Rokosch stated he will put that in writing.

Michael Howell asked why RTFP does not respond.

Chip asked if Conservation Board are agricultural members. Michael Howell stated most are. Chip stated you don't have a majority of the Board that decided about the policy – this is a mixed message to those of us who are out in the field. Commissioner Grandstaff stated her decision today is to obtain more information. Chip stated if they have more knowledge than the Board then why are you usurping their authority. Do we rely on those who have more knowledge than we do or not? Commissioner Rokosch stated we need to identify what their concerns are – they say they have concerns but what are those concerns? Chip stated you are sending a message to the community that you know more than the experts. Commissioner Rokosch stated we just need more information. Chip stated the perception is that you want that information that promotes your belief. Commissioner Driscoll stated she takes pieces of the puzzle and tries to make a decision. She wants more information in order to make a better decision.

Ravalli County Board of County Commissioners' Policy
Resolving Questions and Concerns Regarding Subdivision Review

In determining the most efficient mechanism to answer a question or resolve an issue that is related to subdivision review, the following procedures have been agreed to by the Board of County Commissioners (BCC):

First, classify the question or issue as a Clarification, Policy (Simple), or Regulation.

1. Clarification
 - a) Ask the question directly to appropriate staff (Planning Department, Environmental Health Department, and/or Road Department).
 - b) Ask the question as early as possible.
 - c) If the question is detailed, provide the question to appropriate staff (Planning Department, Environmental Health Department, and/or Road Department) in writing.
2. Policy (Simple)
 - a) Individual commissioner provides written proposal for a policy to appropriate staff (Planning Department, Environmental Health Department, and/or Road Department), and BCC, prior to or at the next department update.
 - b) At the next department update, a majority of the BCC will determine whether or not to propose the policy as a Board.
 - c) If the BCC decides to propose the policy as a Board, the policy will undergo staff review, including review by the County Attorney's Office, for a recommendation(s).
 - d) If the proposed policy passes legal review, a public meeting will be scheduled so that the BCC can formally consider and make a decision on the proposed policy.
3. Regulation
 - a) The first step is for the BCC to define the overall goals of subdivision review in Ravalli County.
 - b) Appropriate staff (Planning Department, Environmental Health Department, and/or Road Department) will recommend the steps needed to reach the goals.
 - c) Each department (Planning Department, Environmental Health Department, and/or Road Department) will keep a master list of needed modifications to regulations.

**Ravalli County Board of County Commissioners (BCC)
Ravalli County Planning Board
Ravalli County Attorney's Office
Ravalli County Planning Department**

Discussion about Subdivision Review in Ravalli County

**April 3, 2008 at 3:00 p.m.
Commissioners Meeting Room
3rd Floor, 215 S. 4th St.
Hamilton, MT 59840**

Meeting Goals

- BCC to confirm subdivision review communications policy
- Review subdivision review criteria for the purpose of identifying any additional information needed for processing subdivisions

1. **BCC review and confirm subdivision review communications policy**
2. **Review of subdivision review criteria – for each criterion staff will review:**
 - Review what kinds of information are currently collected and analyzed
 - Explain how staff currently makes its recommendation
 - Ask for feedback regarding what is adequate and what other types of information need to also be collected and/or alternative approaches to analysis that should be considered
 - Work with BCC to identify any proposed changes in information collection and analysis as:
 - Minor change, does not even qualify as a policy change
 - Minor policy change
 - Regulation revision

Review Criteria (we'll get through all of them, but we suggest starting with these in this meeting and see how it goes)

A. Agriculture, including:

- (1) Adjacent agricultural operations
- (2) Prime and important agricultural soils including the loss or disturbance of prime farmland and farmland of statewide importance
- (3) Proliferation and distribution of noxious weeds
- (4) Human and/or pet interference with livestock and agricultural practices

B. Agricultural water user facilities, including:

- (1) Water availability to agricultural water users
- (2) Facilities or facility users and potential conflicts with subdivision residents, including:

- (a) Seeps, flooding, and washouts
- (b) Obstructions and interference
- (c) Unintended uses (recreation and landscaping)
- (d) Access for maintenance
- (e) Liability and risk of accidents involving trespassers
- (3) Water right holders, including clarification of transfer/retention of water rights
- (4) The placement and/or alteration of irrigation easements and ditches

C. Local services, (EXCEPT ROADS) including:

- (1) Current and planned level of service capacity for local services including fire districts, school districts, wastewater treatment districts, water districts, law enforcement, emergency services, public health services, solid waste services and facilities, public domestic water systems, utilities, roadways, bridges, and bicycle/pedestrian facilities
- (2) Costs of services
- (3) Facilities and provision of services
- (4) Adequate easements
- (5) Rural and special improvement districts, both existing ones and assessment of the need for new ones

3. **Schedule follow-up meeting to continue review of subdivision review criteria. The Road Department will be invited to the discussion on Effects on Local Services. The Environmental Health Department will be invited to the discussion on Effects on Natural Environment.**

**Ravalli County Board of County Commissioners (BCC)
Ravalli County Planning Board
Ravalli County Attorney's Office
Ravalli County Planning Department**

Discussion about Subdivision Review in Ravalli County

**April 3, 2008 at 3:00 p.m.
Commissioners Meeting Room
3rd Floor, 215 S. 4th St.
Hamilton, MT 59840**

Meeting Goals

- BCC to confirm subdivision review communications policy
- Review subdivision review criteria for the purpose of identifying any additional information needed for processing subdivisions

1. BCC review and confirm subdivision review communications policy

2. Review of subdivision review criteria – for each criterion staff will review:

- Review what kinds of information are currently collected and analyzed
- Explain how staff currently makes its recommendation
- Ask for feedback regarding what is adequate and what other types of information need to also be collected and/or alternative approaches to analysis that should be considered
- Work with BCC to identify any proposed changes in information collection and analysis as:
 - Minor change, does not even qualify as a policy change
 - Minor policy change
 - Regulation revision

Review Criteria (we'll get through all of them, but we suggest starting with these in this meeting and see how it goes)

A. Agriculture, including:

- (1) Adjacent agricultural operations
- (2) Prime and important agricultural soils including the loss or disturbance of prime farmland and farmland of statewide importance
- (3) Proliferation and distribution of noxious weeds
- (4) Human and/or pet interference with livestock and agricultural practices

B. Agricultural water user facilities, including:

- (1) Water availability to agricultural water users
- (2) Facilities or facility users and potential conflicts with subdivision residents, including:

- (a) Seeps, flooding, and washouts
- (b) Obstructions and interference
- (c) Unintended uses (recreation and landscaping)
- (d) Access for maintenance
- (e) Liability and risk of accidents involving trespassers
- (3) Water right holders, including clarification of transfer/retention of water rights
- (4) The placement and/or alteration of irrigation easements and ditches

C. Local services, (EXCEPT ROADS) including:

- (1) Current and planned level of service capacity for local services including fire districts, school districts, wastewater treatment districts, water districts, law enforcement, emergency services, public health services, solid waste services and facilities, public domestic water systems, utilities, roadways, bridges, and bicycle/pedestrian facilities
- (2) Costs of services
- (3) Facilities and provision of services
- (4) Adequate easements
- (5) Rural and special improvement districts, both existing ones and assessment of the need for new ones

- 3. **Schedule follow-up meeting to continue review of subdivision review criteria. The Road Department will be invited to the discussion on Effects on Local Services. The Environmental Health Department will be invited to the discussion on Effects on Natural Environment.**

II. Effects on Agricultural Water User Facilities (*Water availability to agricultural water users; facilities or facility users and potential conflicts with subdivision residents, including seeps, flooding, washouts, obstructions and interference, unintended uses (recreation and landscaping), access for maintenance, liability and risk of accidents involving trespassers; water right holders, including clarification of transfer/retention of water rights; and the placement and/or alteration of irrigation easements and ditches*)

A. Required Application Items Related to Agricultural Water User Facilities

1. Subdivision Application form. Pertinent information to agricultural water user facilities is the land use of adjoining parcels and irrigation information (whether or not there are ditches on or within 300 feet of the subdivision, whether or not there are existing irrigation easements, whether or not the property has water rights, whether or not the property is within irrigation district or association, the name of the water distribution provider, source drainage, amount of water rights, whether or not the water rights will be divided, whether or not any ditches will be altered).
2. Preliminary Plat. Locations of ditches on or within 300 feet of the subdivision, ponds, existing/proposed irrigation easements, existing/proposed irrigation facilities, and existing/proposed utilities (including water and sewer) are required to be shown on the plat. The locations of the lots, roads, building envelopes, and utilities in relation to irrigation facilities are reviewed.

Per the Ravalli County Subsurface Wastewater Treatment and Disposal Regulations, septic tanks are required to be setback 50 feet from irrigation ditches. Drainfields are required to be setback 100 feet from irrigation ditches. RCEH reviews projects to ensure these regulations are met.

3. Proposed covenants. Sometimes the applicant will propose provisions related to agricultural water user facilities to mitigate impacts.
4. Proposed easements. Due to recent concerns from the irrigation districts, we have been paying close attention to the proposed irrigation easement widths to ensure there is adequate space for ditch maintenance. It's also important to ensure that no structures or vegetation/trees are allowed within a certain distance of ditches. The proposed easements are required to meet Section 5-6-1 of the Ravalli County Subdivision Regulations (RCSR).
5. Documentation of existing water rights. The existing water rights and the plan for the water rights should be clearly documented. If there is a pond on the property, a water right may be required.
6. Vicinity Map. This can be useful in determining the locations and sources of onsite/offsite ditches.
7. Aerial photo. This can be useful in determining the locations and sources of onsite/offsite ditches.
8. List of downstream irrigation users of any irrigation infrastructure proposed to be relocated/altered.
9. Master irrigation plan. This includes both a map of the irrigation infrastructure and an irrigation agreement. If the property is located within an irrigation district, then approval from the district is required in lieu of the master irrigation plan.
10. Preliminary road plans. If any irrigation ditches need to be altered to road construction, the plans should be shown within the road plans.

11. Preliminary property owners' association documents. If the lots in the subdivision average less than 5 acres and the applicant is proposing to divide the rights among the lots, the applicants are required to transfer the rights to a single entity (such as a property owners' association) for use by the landowners. If the property is within an irrigation district, then the district acts as the single entity.
12. Environmental assessment or summary of probable impacts. (Applicable sections of the environmental assessment are 1(a), 1(c)(i), 1(c)(ii), 3(a)(ii), and 3(a)(vi))

B. Applicant's Proposed Mitigation of any Identified Impacts.

C. Applicable Standards from the Ravalli County Subdivision Regulations:

1. Sections 5-6-1(a), (b), and (c) regarding irrigation easements
2. Section 5-6-1(d) regarding the disposition of water rights
3. Section 5-6-2 regarding the fencing requirement for supply ditches

D. Agency Comments. (Note: The Right to Farm and Ranch Board has asked that we cease notifying them of subdivisions for now.) We rely on the irrigation districts to help us determine adequate irrigation easements. We rely on DNRC to ensure that the proposal meets state laws. The Planning Department has a list of water commissioners for decreed streams.

E. Public Comments.

F. Site Visit.

G. Discussion with applicants and consultants about existing water rights and proposal if not clear in application.

H. Any pertinent discussion at the Planning Board meeting. Sometimes the discussion at the Planning Board meeting will provide insight since there are several members involved with agriculture. We provide a draft staff report to the Planning Board so we can modify the findings before presenting the final to the Commissioners.

I. Findings from another review criterion. Sometimes findings under another criterion will conflict with findings under Effects on Agricultural Water User Facilities. For example, there are usually wetlands and wildlife habitat associated with irrigation ditches. It's important to weigh the importance of irrigation facilities against potential wildlife habitat.

J. Conditions in staff report and requirements of final plat approval regarding agricultural water user facilities include:

1. Notification of irrigation facilities and easements
2. Notification that future lot owners do not have water rights
3. Requirement that supply ditch fencing is maintained in covenants
4. Requirement that wastewater facilities are setback 100 feet from ditches per the RC Wastewater Regulations in covenants and shown on final plat
5. Irrigation easements required to be shown on final plat

6. Requirement that applicants submit final irrigation plan/agreement, approval of the plan by the irrigation district, or evidence the water rights have been severed from the land.
7. Notarized statement of approval from each downstream user when irrigation facilities have been altered
8. Signed and notarized homeowners' association documents when the water rights have been transferred to a single entity
9. Evidence that required fencing along a supply ditch has been installed
10. Evidence that any required irrigation infrastructure has been installed



Approved
to
Submit
4/3/08

**THE RAVALLI COUNTY COMPREHENSIVE PLANNING PROGRAM
YEAR TWO
PROPOSAL NARRATIVE**

RAVALLI COUNTY HISTORY AND MISSION STATEMENT

Ravalli County was created by Montana Legislature on March 3, 1893. It is named after Father Antony Ravalli, born May 16, 1812, in Ferrara Italy, who made the Bitterroot his home in 1845. Ravalli County is located in the southwestern part of Montana. Ravalli County is part of a North/South mountain valley bordered by the Sapphire Mountains on the East and the Bitterroot Mountains on the West. It is often referred to as the Bitterroot Valley and is named for the Bitterroot Flower. The county seat is Hamilton. As of 2000, the population was 36,070; the most recent population estimate indicates the population has grown to 40,396 as of July 1, 2007.

The mission of the Ravalli County Planning Department is to administer and facilitate the processes of land use planning, subdivision review, and floodplain management in order to promote a high quality of life while protecting the health, safety, and welfare of the citizens of Ravalli County. As part of this mission, the Planning Department aims to provide the public with excellent service and accurate information. Ravalli County is in the middle of a process to develop a proposal to enact countywide zoning by a target date of November 2008. The baseline countywide zoning project (addressing density, land use, height and yard setbacks) has been identified as the Ravalli County Planning Department's top long-range planning priority.

PROBLEM STATEMENT

Ravalli County was the fastest growing county in the State of Montana between 1990 and 2000 and it has remained among the top five fastest growing counties in the state for population growth since 2000; however, this county struggles to effectively fund the growth management programs that are critical to maintaining this incredible place and the closely related quality of life of the people who live here.

Ravalli County is a place defined by the single watershed of the Bitterroot River that bisects a relatively small peninsula of private lands surrounded by public lands (approximately 73% of the county is federal land). It is these natural amenities, as well as the working agricultural lands of the Valley, that draw people to this area to enjoy the scenic views and the recreational opportunities. Other factors contributing to growth in the Valley include:

- The retirement of the Baby Boomer generation that is looking for areas with amenities found in places like the Bitterroot Valley
- Economic prosperity and first class collegiate educational opportunities in the Missoula urban area that draws people to Ravalli County who prefer to make their homes in a more rural setting
- Expansion of GlaxoSmithKline, the Rocky Mountain Laboratories, a bio-safety level 4 research facility, and US Highway 93
- The potential development of a destination ski resort in Missoula County between Lolo and Florence



Challenges for growth management in Ravalli County include lack of commercial and industrial lands that would better help finance County services, consistently high subdivision review workload¹, and an annual potential for decrease of federal funds available to local government that would cripple funding of local services.

Project partners have historically recognized the importance of public lands, water quality and air quality as primary contributors to quality of life. However, active support by a broad segment of the community for a combination approach to growth management that includes regulatory tools as well as incentives is relatively new.

After several failed attempts to develop a new comprehensive plan, the County successfully created a Growth Policy (typically called a comprehensive plan or master plan in other states) utilizing a broad-based community involvement process. Part of the Growth Policy demographic and economic analysis was based on a needs assessment conducted by Dr. Larry Swanson of the Center for the Rocky Mountain West at the University of Montana. At that time Dr. Swanson emphasized the need for Ravalli County to move forward with growth management planning to address growth issues and protect the economic vitality of this area. The Growth Policy was adopted by the Board of County Commissioners in 2002 (amended in 2004 - <http://www.ravallicounty.mt.gov/planning/growthpolicy.pdf>) and it officially established the following goals, which were supported at the polls by voters in the November 2004 election:

- 1A. Promote public open space, recognizing agriculture and forestry as valued land resources.
- 1B. Promote private open land, farm land, ranch land, and recognition of agriculture and forestry as valued land resources.
2. Protect water quality and supply.
3. Protect air quality.
4. Provide necessary infrastructure and public services to accommodate population growth and new development without undue impacts on the quality, quantity and cost of service to existing residents.
5. Protect and enhance natural resources and public open space.
6. Promote and encourage a vibrant, sustainable, healthy economic environment that recognizes existing businesses and attracts new entrepreneurs.
7. Plan for residential and commercial development.

In 2006, the Right to Farm and Ranch Board and the Bitter Root Land Trust collaborated to explore in more detail the state of working agricultural lands and conservation issues through an agricultural study. The study was intended to follow up on the original needs assessment completed for Ravalli County by Dr. Larry Swanson and it included a data analysis and

¹ The subdivision review workload was temporarily reduced with the institution of countywide interim zoning, which sunsets November 7, 2008. However, due to a settlement agreement that obligates the County to continue to process many of the subdivisions originally considered to be affected by the interim zoning and submittals of new subdivision applications, the County generally continues to have approximately 40 active subdivision applications at any given time.



assessment component, but it also provided for a series of broad-based community meetings to learn about growth, issues facing the County related to growth, and an examination of different opportunities and tools the County and various organizations might utilize for addressing growth. Dr. Larry Swanson and Dave Schultz helped complete the initial phases of this project which further assessed the state of the Valley. (<http://www.bitterrootlandtrust.org/index.php?id=46>) Dr. Swanson's new study built on his earlier needs assessment and he recommended three key tools for addressing agriculture issues in particular and growth in general. To best protect agricultural lands, Dr. Swanson recommended:

1. Public education about area agriculture
2. Agricultural marketing and promotion
3. Planning for growth including
 - a. Guiding housing and commercial development nearby and within established population centers;
 - b. Keeping development in outlying areas relatively sparse or clustered;
 - c. Clustering homes and preserving larger areas as pasture lands, or other open land areas;
 - d. Passing an open space bond to protect key open landscapes; and,
 - e. Developing streamside setbacks to protect streams and waterways.

The final phase of the Agricultural Study project is to work with the community to develop and implement strategies to address the identified issues and this phase of the project has not yet been completed.

CONNECTION TO BRAINERD FOUNDATION FOCUS

Ravalli County, as it has grown and changed, has demonstrated that it seeks balance between protecting the natural amenities of the Bitterroot Valley and encouraging the growth of thriving communities. This balance appears to be aligned with the mission and values espoused by the Brainerd Foundation, as well as its identification as this area for place-based conservation programs. One of the primary difficulties for Ravalli County has been to implement proactive growth management programs in accordance with the pace of growth, while continuing to keep up with the mandated regulatory workload (subdivision review, floodplain permit review, etc.). Enacting pro-active growth management programs can serve as a foundation for a variety of conservation activities.

It appears the time is now to put in place critical measures that can protect the attributes of the Bitterroot Valley that make this a phenomenal place to live and drive the economic vitality of the area. In order to do this effectively, we must have experienced and steadfast program coordination and leadership, high quality data and analysis upon which to make decisions, and a broad-based community outreach and engagement process guiding community decision makers.

PROJECT GOALS

Given the growth pressures that are anticipated to continue into the future, the results of the Agricultural Study, the support from the Growth Policy, and the successful planning-related initiatives on the ballot, a comprehensive planning program has been developed for the Bitterroot



Valley that will implement the goals and many objectives of Ravalli County Growth Policy and includes the following items as top priorities, among many other planning activities, over the next two years:

- **Develop a Countywide zoning program** that will initially focus on basic Countywide regulations to create a basic development pattern in the County that addresses density and land use and includes very basic design standards such as yard setbacks and building heights.
- **Develop a rural resource planning program** that will provide guidance to expenditure of the Open Lands Bond as well as development of appropriate zoning and other planning tools and rural resource services that address key rural issues and provide for protection and enhancement of agricultural lands, wildlife habitat and surface water resources.
- **Update and modernize subdivision regulations and other regulatory tools** to include best practices for growth management in rural areas such as cluster development standards and conservation subdivision design options that will complement the baseline Countywide zoning project and rural resource planning efforts.

Underlying all of these programs is a commitment by the County to increase public involvement in the planning processes that focuses on developing the capacity of local government and residents to effectively engage in growth management issues that protect key amenities and provide the basis for efficient expansion of infrastructure and services.

PROJECT OBJECTIVES

In the long term, the Comprehensive Planning Enhancement Program will provide for increased capacity of planning department staff, public leaders and the citizens to initiate and engage in planning activities; an enhanced ability among citizens to engage in civil discourse about growth management and other planning issues; and a foundation of basic planning and zoning tools that implement the goals of the Ravalli County Growth Policy and upon which the community can build.

The following short-term objectives and associated action items, to be reached during the grant period, will contribute to the implementation of the above stated long-term strategy:

1. **Work with professional planning consultants as needed to provide increased depth of experience and capacity to the Planning Department for project management, coordination and technical assistance for the following project components:**
 - a. Countywide baseline zoning
 - b. Streamside management program
 - c. Rural resource planning program
 - d. Update and modernize subdivision regulations

Action Item 1– Contract with a planning consultant to manage and help staff the Countywide zoning project by providing technical assistance, development of



appropriate regulations, outreach and public engagement. This action item will help infuse the project with additional professional planning staff specifically trained in zoning and rural planning issues, as well as relieve the Planning Director of some project management responsibilities. There are few local firms or individuals that conduct this type of work, but there are opportunities for an outside firm to partner with a smaller firm, such as the Public Policy and Research Institute at the University of Montana, specializing in outreach and public engagement activities that may help ensure that the activities and the project work plan are appropriate to the area. A consulting firm will need to:

- i. Evaluate the program to date and integrate seamlessly into the existing program that is underway.
- ii. Design their role such that they partner with Bitter Root Land Trust, planning staff, Planning Board members, elected officials, community planning committees and other citizen planners to develop local capacity for working on land use planning and zoning on this project and future projects.
- iii. Work closely with subcontractors providing data analysis assistance to help determine how to best involve the public in the data analysis component of the project and utilize the results of the data analysis in outreach efforts and as the basis for public engagement activities.
- iv. Help provide for immediate implementation of the zoning, once adopted, by training Planning staff and other interested parties and providing educational and administrative materials.

(Note: This action item has been the primary focus of the year one funding and it will continue to be the focus of year two funding, per the professional services agreement with Clarion Associates/PPRI – Exhibit C). Other action items have been designated for funding as matching funds become available.)

Action Item 2 - Provide start-up funding for coordination and technical assistance associated with the Rural Resource Planning program, with particular focus on identifying and developing land use planning tools (regulatory and non regulatory) that offer viable options to large land owners and for land conservation in rural areas, refinement of streamside protection measures, and create a foundation for future Open Lands Bond Initiatives.

Action Item 3 – Contract with a planning consultant to help update and modernize the Ravalli County Subdivision Regulations to incorporate incentives and best management practices for subdivision design and growth management in rural areas, such as cluster development standards and conservation subdivision design options, that will complement the Countywide baseline zoning project and the rural resource planning efforts.



2. Dedicate increased resources for data gathering and evaluation to provide for more sophisticated modeling that will inform the development of regulations and policies specific to:

- a. Countywide baseline zoning
- b. Streamside management program
- c. Rural resource planning program

Action Item 1 – Increase the scope of work for the GIS consultant to include additional data evaluation and modeling specific to each of the aforementioned projects. For the Countywide baseline zoning project, provide more sophisticated modeling than the current investment can produce. Also, increase resources available for modeling different build-out and/or density scenarios to help all parties gain a better understanding of development densities and the potential outcomes of choices made regarding establishing zoning districts in different areas. For the Open Lands Program and streamside setback proposal, build on the GIS analysis and modeling work associated with the Countywide baseline zoning to provide some baseline information to support these projects. *(Note: it is anticipated that most of this work was completed with year one funding, but other needs may arise as we move forward with this program.)*

3. Enhance a coordinated public outreach campaign and increase opportunities for public engagement in the Countywide Planning Enhancement Program through the use of trained facilitators, increased accessibility of professional planning staff in local communities, and improved accessibility to information about County planning programs and projects.

- a. Countywide baseline zoning
- b. Streamside management program
- c. Rural resource planning program

Action Item - Expand the current outreach program to include such items as countywide mailings, newsletters, brochures, as well as redesign of the County website to make it more user friendly and provide accessible opportunities for input. Encourage public engagement in planning processes by providing for trained staff and independent facilitators, as needed, consistently to local citizen groups in each planning area within the County. Provide additional resources to support outreach and engagement activities such as educational and outreach materials, a laptop, projector, and GIS license. *(Note: public outreach and engagement for the countywide baseline zoning project has also been the focus of the year one and year two funding under the professional services agreement with Clarion Associates/PPRI)*



PROJECT CHALLENGES AND LIMITATIONS

The key limitations for moving the identified project forward in a timely, comprehensive, and sustainable manner include a lack of capacity for project management and technical planning assistance, limited funding for data analysis, and additional resources needed for effective public outreach and public engagement activities.

The County has assessed the limited resources available given these needs and other priority programs and services supported by local government funding and re-allocated additional staff and financial resources to help support a very ambitious planning program. However, it is simply not enough to keep pace with growth and deal with the existing backlog of work. (The initial plans to work towards the planning program priorities are memorialized in a series of documents that include the Countywide zoning work plan, preliminary financial proposal and proposed allocation of staff time.

<http://www.ravallimontana.gov/planning/CountywideZoning.htm>) To accomplish the stated priorities in a timely fashion and truly build a sustainable comprehensive planning program that implements the Ravalli County Growth Policy and the Agricultural Study, Ravalli County needs additional resources, even one-time infusions, to help develop its capacity to deal with growth issues.

EVALUATION MEASURES

In order to monitor the progress and success of the planning program, the public, project manager(s), major partners, and grantors will use the timeline, work plan, and budget to gauge results. If it is found that the project is not meeting its intended targets at any point, then the project manager(s) will be responsible to evaluate the project as it stands, recognize the situations that have resulted in the project not meeting its intended targets, and modify the future work plan, timeline, and/or budget to reflect successful implementation despite setbacks. In addition to these efforts, a project oversight committee will be developed to help track the Planning Program. As adjustments need to be made to the program due to funding availability and/or progress on work plan, they will be responsible for providing recommendations to the Bitter Root Land Trust regarding funding and to Ravalli County regarding adjustments to the scope of work. Benchmarks have also been identified to help this committee, the public, project managers and any potential program partners in tracking progress on the various planning activities.

Oversight Committee

The Bitter Root Land Trust through its partnership with the County shall create a project oversight committee that will closely monitor:

1. Expenditures of private contributions toward the comprehensive planning project
2. Project performance with respect to identified benchmarks within the approved scope of work.

Full details of this committee's duties, responsibilities, and authority are defined in the attached document labeled Exhibit A.



Benchmarks

Benchmarks or key milestones are thresholds that are typically established to help track the progress of a particular project or program. Given the number of planning program activities that are suggested to be underway simultaneously, it makes sense to establish benchmarks that will help the public, the County, financial and other partners, and project managers track various planning program initiatives. They will help us all to identify successes as Ravalli County moves forward with this program and they can also help us to identify when the program needs to be re-evaluated and the work plan adjusted.

Although most of this proposal has been focused on enhancements to the Ravalli County Planning Program that will help move the program past its typical priority of mandated reviews this section also includes suggested benchmarks for the mandated planning program activities.

Benchmarks are typically tied in to a work plan to help understand not just if the project is progressing, but if the project is progressing in a timely fashion. At this time, only the countywide baseline zoning project as the top priority project has a detailed work plan associated with it. For the streamside management, rural resource planning and the update and modernize subdivision regulations projects, these benchmarks are not yet tied into a more detailed work plan. As additional funding for these projects becomes available the more detailed project plans and benchmarks will be developed.

See Exhibit B for the benchmarks and timeline associated with each project in the Ravalli County Comprehensive Planning Program.

OFFICERS, BOARD AND STAFF

Ravalli County is governed by five commissioners, one from each commission district. The commissioners are elected to serve four-year terms, which are staggered so that one commissioner stands for election every two years. Each commissioner is nominated from the district in which they reside but is elected by the voters of the entire county.

Commissioner Carlotta Grandstaff was working as a freelance writer when she was elected to the Board in 2007. She is currently serving as the Chairperson of the Board of Commissioners. She resides in Hamilton. She is also serving on several Boards such as Fair Commission, Board of Health, 9-1-1 Advisory Board, Weed Board, City Co. Planning Board and Rocky Mountain Liaison Group. She is currently working with 9-1-1 Dispatch to improve working conditions and expand their working environment. Carlotta is an interactive and devoted member of both the community and the Ravalli County Board of Commissioners.

Commissioner Jim Rokosch was working as an environmental consultant when he was elected to the Board in 2007. He is a father of three and resides in Stevensville. He is serving as Vice-Chairperson to the Board of County Commissioners. He is currently serving on several Boards such as Streamside Setback Committee, LEPC, Open Lands Board, Right to Farm and Ranch, and RCEDA. He is working within Ravalli County to ensure thorough knowledge of the citizens and the county's needs.



Commissioner Greg Chilcott was working as the head of the Department of Emergency Services when he was elected to the Board in 2004. He is a proud grandfather of seven. He was born and raised in Stevensville. He has contributed to the county in various ways and continues to do so. He is currently serving on several Boards such as MRTMA, JPIA, RC&D, Urban County Co., and RCEDA. He is working within both Ravalli County and Missoula County attending meetings and workshops to ensure up-to-date knowledge on issues affecting the county. Commissioner Chilcott is an interactive member of both the community and the Ravalli County Board of Commissioners.

Commissioner Kathleen Driscoll was working as a real estate agent when she was elected to the Board in 2007. She is a single mother of 3 sons and a past military wife of over 20 years. She is also a Pilot. She grew up and resides in Hamilton. Being a local gal, she has contributed to the county in various ways and continues to do so. She is currently serving on several Boards such as Council on Aging, Transportation Advisory Committee, Animal Protection and Control, RCEDA, Airport Board and Park Board.

Commissioner Driscoll has been traveling the State of Montana for 9 years, getting input directly from citizens. She will be visiting communities within Ravalli County for an opportunity to meet citizens and hear their concerns. She is working within the Ravalli County Offices and Departments to ensure thorough knowledge of county operations and daily activities. She is an interactive member of both the community and the Ravalli County Board of Commissioners.

Commissioner Alan Thompson was working as an independent businessman when he was elected to the Board in 2004. He resides in Hamilton with his wife. He has contributed to the county in various ways and continues to do so. He is currently serving on several Boards such as Human Rights Council, Mental Health, Public Lands, and Juvenile Detention. He is the longest sitting official in office on the Board of Commissioners. He has worked with NACo on a continuous basis and is participating in improving mental health issues. Alan has also worked hard to implement the Ravalli County Prescription Discount Program. Commissioner Thompson is an interactive member of both the community and the Ravalli County Board of Commissioners.

Staff Qualifications

See Attachment 1 - Hughes Resume

See Attachment 2 – Ricklefs Resume



OTHER SOURCES OF FUNDING

Organizational Funding

The following table provides a summary of planning program revenues for Fiscal Year 2008.

Revenue Source	Estimate Revenue FY 2008	Percent of Total Revenue
Planning Fund Budget	615,555	61%
Grants (Brainerd Foundation – Year One, 2 Opportunity Fund grants, CARDD LiDAR Mapping, CDBG*)	220,980	22%
Donations (estimated fundraising target amount for future**)	176,000	17%
Total	1,012,535	100%

*Does not include wetlands training/technical assistance grant noted in project budget.

**Approximately \$60,000 in donations has been committed to date.

Organizational Funding Plan

The funding plan for the Ravalli County Planning Department is and will continue to primarily rely on annual budgeting through the County's budget process. In addition, we continue to research grant funding opportunities for specific projects and for organizational funding, the County has been considering other options such as running a special levy and/or additional adjustments to fees.

Project Funding

As noted above, as the strategic priorities were established and a work plan for the Countywide Zoning Project was adopted, the Ravalli County Planning Department and the Board of County Commissioners re-allocated funding to support these efforts. The Planning Department also initiated discussions with interested community members to discuss other opportunities for funding this overall planning program both to address the current priorities and to provide a long term stable funding base that will allow this program to be sustainable. It has been assumed that any funding that might come from the Brainerd Foundation would be matched by other agencies, organizations and individuals. Towards that end, the following opportunities have been pursued in order to support planning activities:

- Montana Community Development Block Grant (CDBG) Planning Grant for approximately \$15,000 – submitted April 20th and a response to the application is anticipated in July. A CDBG planning grant was anticipated to be an original source of the Countywide Zoning Project funding. It is considered to be essential to the original zoning work plan and not a source of funding for any additional budget items. Funds are designated to support data gathering and development of a land suitability analysis for the Countywide Zoning Project. – grant was obtained, as proposed.



- Revised Fee Schedule Proposal – Adopted by the Board of County Commissioners on May 7th. The purpose of the fee schedule is to achieve 100% coverage of project review costs. Unfortunately, while the interim zoning is in place, staff expects revenues to drop which will add to the difficulties for funding the Planning Department.
- Conservation and Resource Development Division (CARDD) Grant through the Montana Department of Natural Resources and Conservation for \$100,000 towards LiDAR mapping for the northern half of Ravalli County. Grant application was successful and funds should be released in summer 2007. A second application will be submitted for funds anticipated to be released in summer 2009.
- Preparation is underway for the Planning Department's FY 2008-2009 budget. The Planning Department was funded as requested and it endeavors to absorb as many project-related costs as possible for Fiscal Year 2008, we are now preparing for the FY 09 budget. Initial budget hearings are scheduled for early May with adoption likely to occur in August or September.
- Private Donations – initial discussions with a funding resources committee indicated there was positive interest in the community if the funding was routed through a private non-profit corporation, such as the Bitter Root Land Trust. Initially, a small group of individuals have stated that investment of \$50,000-\$100,000 by the local building industry, or individuals associated with this industry, to match a Brainerd Foundation proposal would be a real possibility. As the political environment changed in the Valley, an early match was not easily obtained. A group of supporters are currently working to provide the proposed \$176,000 private match for this project. They have set target dates in April and June for their fundraising activities.
- Other grants – As time allows, staff continues researching grant opportunities to support the County's planning program.
- Planning levy – Initial research has been conducted by staff and committee volunteers for this potential long-term funding tool. Additional research regarding potential benefits and shortcomings needs to be completed.

Please note that the total budget is more than the Brainerd Foundation's preliminary suggested investment of \$100,000 per year for two years because it is assumed that other investors, such as the local building industry, will come forward as well. The budget concept shows the proposed amounts the County's commitment to the planning program as well as proposed program funding from the Brainerd Foundation and other donors and commitments by other grantors (includes grants received and the proposed CDBG grant).

BUDGETS

The operating budget for the County can be found at <http://www.ravalliacounty.mt.gov/commissioners/documents/BudgetforFiscalYear20087-1-07through6-30-08.pdf>. Planning Department budget information can be found on page 110 (Planning Department) and 255 (CDBG planning grant) of the County Budget.

Attachment 3 – Updated Project Budget



FINANCIAL STATEMENTS

See Attachments:

Attachment 4 – Ravalli County Planning Department Fiscal Year 2008 YTD Revenue Report

Attachment 5 – Ravalli County Planning Department Fiscal Year 2008 YTD Expense Report

Attachment 6 – Fiscal Year 2008 CPEP fund expense report (assumes 2 years funding)

Attachment 7 – Fiscal Year 2008 CPEP fund revenue report (assumes 2 years funding)

Attachment 8 – Fiscal Year 2008 CDBG fund expense report

Attachment 9 – Fiscal Year 2008 CDBG fund revenue report

Attachment 10– Fiscal Year 2007 Ravalli County Planning Department Expense Budget
Balance Sheet

Attachment 11 – Fiscal Year 2007 Ravalli County Planning Department Revenue Budget
Balance Sheet

Attachment 14 - Audited financial statements from 2006 (most recent) – This is for the County,
not just the Planning Department.

ATTACHMENTS

See Attachment 12 - The County's adopted planning program priorities.

NON-PROFIT STATUS

See Attachment 13 – Governmental status

	Fiscal Year 2007 (July 06- June 07)	Fiscal Year 2008 (July 07-June 08)			Fiscal Year 2009 (July 08-June 09)		
	Ravalli County ¹	Ravalli County ¹	Grants ²	Proposed Enhancements ³	Ravalli County ¹	Proposed Enhancements ³	Total
Project Management/ Coordination/ Technical Assistance							
Countywide baseline zoning	21,300	35,000		118,800	10,000	27,200	212,300
Streamside management program	9,000	22,000			7,500	25,000	63,500
Rural resource planning program	5,700	10,000			15,000	15,000	45,700
Update and modernize subdivision regulations		5,000	10,400		14,130	50,000	79,530
Data Gathering and GIS Analysis and Modeling							
Countywide baseline zoning	25,000	24,000	15,000	15,000			79,000
Streamside management program			109,900				109,900
Rural resource planning program		1,000		10,000			11,000
Outreach and Public Engagement							
Countywide baseline zoning	6,850	88,000	3,000	62,500	6,500	8,700	175,550
Streamside management program		4,000			7,500	12,500	24,000
Rural resource planning program		4,000			2,500	15,000	21,500
Total	67,850	193,000	138,300	206,300	63,130	153,400	821,980

¹ Ravalli County match is based on estimated staff allocation, existing and proposed salaries, estimates of time expended this year, and budgeted/re-allocated operating expenses from Planning Dept budget such as mileage, motor pool, printing, office supplies/equipment, consultants, etc. The Fiscal Year 2008 budget proposal was approved as presented to the Commissioners. The Fiscal Year 2009 is only an estimate. These estimates are also somewhat dependent on the proposed enhancements and grants. Without grants and enhancements, Ravalli County will need to absorb more of each of categories of work.

² Grants include: 15,000 CDBG Planning Grant; a successful \$100,000 CARDD Grant through Montana Department of Natural Resources and Conservation for LiDAR mapping the north half of County; approximately \$20,000 from an EPA/DEQ grant to Bitter Root Water Forum for technical assistance to the County related to wetlands training, regulation options, and streamside setbacks. An Opportunity Grant for \$3,000 for facilitation training is also included. Ravalli County is continuing to search out other partners, grants, etc. to help enhance the countywide planning program.

³ Proposed Enhancements Note: The budget concept has been developed assuming that there would be approximately \$100,000 per year for two years from a potential foundation grant and that other potential local donors, such as the building industry association and conservation organizations, will step forward to match the grant. It is also assumed that if one area or another of the planning program requires enhancement, that priorities will be reevaluated and funding shifted as appropriate. In the event that donors do not step forward or the County receives a grant allocation less than \$100,000 per year for two years, this proposal will be modified to fund top priorities which generally include, from a programming standpoint, implementing countywide baseline zoning, followed closely by the streamside management program and rural resource planning. For these programs, priorities for additional funding include increased capacity for project management/technical assistance, increased outreach and public engagement, and to a lesser extent, increased resources for data gathering and analysis.

Comparison between 2007 and 2008 proposals

	Fiscal Year 2008 (July 07-June 08)			Fiscal Year 2009 (July 08-June 09)		
	Ravalli County ¹	Grants ²	Proposed Enhancements ³	Ravalli County ¹	Proposed Enhancements ³	Total
Original proposal 6/07	160,836	135,300	197,500	36,100	140,000	737,586
Updated proposal	193,000	138,300	206,300	63,130	153,400	789,816
Difference	32,164	3,000	8,800	27,030	13,400	52,230

ACTIVITY Notes: Highlighted x's denote major benchmark or product. **Activity is dependent on additional funding. Progress is not likely to be made or may be slow until additional funding is obtained.	Oct-06	Nov-06	Dec-06	Jan-07	Feb-07	Mar-07	Apr-07	May-07	Jun-07	Jul-07	Aug-07	Sep-07	Oct-07	Nov-07	Dec-07	Jan-08	Feb-08	Mar-08	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	Jan-09	Feb-09	Mar-09	Apr-09	May-09	Jun-09	Jul-09			
COUNTYWIDE ZONING PHASE 1 - BASELINE ZONING																																					
PROJECT MANAGEMENT/TECHNICAL ASSISTANCE																																					
Work Plan																																					
Present of proposed work plan			x																																		
Planning Board recommends adoption of work plan			x																																		
BCC adopts initial work plan (Benchmark/Product - Initial work plan)			x																																		
Identify and contract with a Planning Consultant to manage the Countywide Zoning Project and provide technical assistance (Benchmark/Product - RFQ issued, RFP issued, Contract signed)										x	x	x	x	x																							
Planning Consultant evaluates program and integrates into project management/technical assistance role													x	x																							
Submit evaluation report and recommendations for revisions of project components (public outreach plan, draft regulations, data analysis, public engagement in creation of zoning map) from planning consultant (Benchmark/Product - Contract and Diagnosis of Draft Regulations)														x	x																						
Review and revision of work plan/timeline in accordance with current conditions or input (such as from PPRI evaluation & and advice from Planning Consultant) - (Benchmark/Product: revised work plan produced quarterly)						x			x		x				x			x			x				x												
Develop zoning program administration materials and training (Benchmark/Product - Zoning administration materials and training)																								x	x												
Create zoning regulations/resolution																																					
Develop preliminary draft resolution/regulations	x	x	x	x																																	
Finish preliminary revisions to 1st draft (district standards, matrix, definitions) and review, as well as PUD standards and Growth Policy amendments				x	x	x																															
Complete streamlined draft zoning resolution/regulations and cluster development standards						x	x																														
Review complete streamlined draft of zoning resolution/regulations, cluster development standards, etc.							x																														

ACTIVITY Notes: Highlighted x's denote major benchmark or product. **Activity is dependent on additional funding. Progress is not likely to be made or may be slow until additional funding is obtained.	Oct-06	Nov-06	Dec-06	Jan-07	Feb-07	Mar-07	Apr-07	May-07	Jun-07	Jul-07	Aug-07	Sep-07	Oct-07	Nov-07	Dec-07	Jan-08	Feb-08	Mar-08	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	Jan-09	Feb-09	Mar-09	Apr-09	May-09	Jun-09	Jul-09			
Finalize public review draft of zoning resolution/regulations (Draft A) and GP amendments, present at initial public meetings (Benchmark/Product - public draft of zoning regulations and GP amendments)							x																														
Clarion completes diagnosis of Draft A zoning regulations (Benchmark/Product - Clarion's Diagnosis) (new task)															x																						
Conduct kick-off workshop to introduce planning consultant team, overview of zoning regulations, presentation of diagnosis of Draft A, presentation of Land Suitability Analysis, provide overview of process for creating zoning maps (Benchmark Product - Public Workshop #1) (new task)																																					
Hold public comment period on Draft A zoning regulations (new task)															x	x																					
Submit memo about suggestions regarding other tools the County might consider to address property rights concerns - by Clarion (Benchmark/Product - Other tools memo) (new task)																x																					
Public workshop to review comments on Draft A zoning regulations (Benchmark/Product - Public Workshop #3) (new task)																	x																				
Develop Draft B zoning regulations (Benchmark/Product - Draft B Regulations) (new task)																	x	x																			
Present of Draft B zoning regulations and Draft 1 zoning maps at public workshop (Benchmark/Product - Public Workshop #4) (new task)																		x																			
Hold public comment period on Draft B zoning regulations (new task)																		x	x																		
Develop Draft C zoning regulations (Benchmark/Product - Draft C Regulations) (new task)																			x	x																	
Present Draft C Zoning Regulations and Draft 2 zoning maps at public workshop (Benchmark/Product - Public Workshop #5) (new task)																				x																	
Development of additional drafts of zoning regulations and zoning maps as part of the public hearing process is addressed in the formal adoption process below (new task)																					x	x	x	x													
DATA GATHERING AND GIS ANALYSIS																																					
Create data inventory and outline project (methodology, key players, budget)				x	x	x																															
Issue GIS Request for Proposals and select consultant (Benchmark/Product - GIS RFP issued and consultant selected)						x																															

ACTIVITY Notes: <i>Highlighted x's denote major benchmark or product. **Activity is dependent on additional funding. Progress is not likely to be made or may be slow until additional funding is obtained.</i>	Oct-06	Nov-06	Dec-06	Jan-07	Feb-07	Mar-07	Apr-07	May-07	Jun-07	Jul-07	Aug-07	Sep-07	Oct-07	Nov-07	Dec-07	Jan-08	Feb-08	Mar-08	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	Jan-09	Feb-09	Mar-09	Apr-09	May-09	Jun-09	Jul-09			
Identify a virtual technical advisory committee for the data analysis project						x	x																														
Collect and process data sets							x	x	x																												
Create set of base maps (Benchmark/Product - base maps for each planning area)										x	x	x																									
Create additional maps for CPCs as new needs are identified and new data is available and determined useful for the project (<i>new task</i>)													x	x	x	x	x	x																			
Identify and design sub-models with consultant (increased involvement of local agencies, scientists, and experts)										x	x	x	x	x																							
Run final data analysis model (will incorporate sub-models) and display results															x																						
Hold public meetings about data collection and analysis - description of available data, data gaps, general methodology behind the analysis, basic map literacy (Third set general public meetings - see above. Benchmark/Product - Land suitability analysis meetings held.)														x	x																						
Modify and present final land capability and suitability analysis (Benchmark/Product - Final land suitability analysis)															x																						
Develop printed Land Suitability map sets for County and each CPC/planning area (<i>new task</i>)															x	x																					
PUBLIC OUTREACH AND ENGAGEMENT																																					
Public Involvement Plan																																					
Develop initial ideas for public involvement plan				x	x	x	x																														
Work with PPRI to determine best role for public process consultant, develop agreement for initial assistance to the County					x	x	x																														
PPRI interviews key interested parties in the Countywide zoning project, summarizes findings and makes recommendations for changes to the work plan and public involvement plan (Benchmark/Product - PPRI report issued to County)							x	x	x																												
Determine additional need for public involvement consultant and either arrange agreement for additional services through PPRI or issue Request for Proposals								x	x																												

ACTIVITY Notes: Highlighted x's denote major benchmark or product. **Activity is dependent on additional funding. Progress is not likely to be made or may be slow until additional funding is obtained.	Oct-06	Nov-06	Dec-06	Jan-07	Feb-07	Mar-07	Apr-07	May-07	Jun-07	Jul-07	Aug-07	Sep-07	Oct-07	Nov-07	Dec-07	Jan-08	Feb-08	Mar-08	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	Jan-09	Feb-09	Mar-09	Apr-09	May-09	Jun-09	Jul-09
Determine role of CPCs, develop CPC reference manual, composition of membership, goals for outreach/public engagement, and needs for technical support					x	x	x																											
Develop final CPC reference manual with input from Sonoran Institute and PPRI (Benchmark/product - final CPC reference manual)												x																						
Initiate CPC start-up and development (Benchmark/Product - CPCs established for each planning area)									x	x	x																							
Finalize public involvement plan (Benchmark/Product - Public Involvement Plan endorsed by Planning Board and BCC)								x																										
Update public involvement plan with input from consultants, e.g. PPRI, Sonoran, planning consultant to be selected												x			x																			
Initial Public Outreach																																		
Hold initial rounds of general public meetings and workshops																																		
General public meetings (3 total) - zoning project work plan overview (Benchmark/Product - Initial meetings)				x	x																													
General public meetings - Growth and Change in the Bitterroot Valley (2 total) with guest speaker Larry Swanson and staff providing an overview of the zoning project and upcoming events (Benchmark/Product - meetings held)										x																								
General public meetings - Topic: "Nuts and Bolts" of zoning and community planning committees (Benchmark/Product - meetings held, 7 total -one in each planning area)										x	x																							
Follow-up workshops																																		
Community Planning Committee workshops (Benchmark/Product - CPC workshops held, 7 total, one in each planning area)										x	x	x	x																					
Zoning Question and Answer sessions (Benchmark/Product - zoning workshops held, 7 total, one in each planning area - at the request of the CPC - not requested until winter 2008)															x	x																		

ACTIVITY Notes: Highlighted x's denote major benchmark or product. **Activity is dependent on additional funding. Progress is not likely to be made or may be slow until additional funding is obtained.	Oct-06	Nov-06	Dec-06	Jan-07	Feb-07	Mar-07	Apr-07	May-07	Jun-07	Jul-07	Aug-07	Sep-07	Oct-07	Nov-07	Dec-07	Jan-08	Feb-08	Mar-08	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	Jan-09	Feb-09	Mar-09	Apr-09	May-09	Jun-09	Jul-09
General public meetings - land capability and suitability analysis - review data, analyze what data is critical to decision making in different planning areas (Benchmark/product -land suitability analysis meetings held 7 total - one in each planning area)											x	x	x	x	x																			
General Publicity/Public Outreach																																		
Create and staff Project Display Booth - Ravalli County Fair, Apple Days (can be updated for future community events as more information is available (Benchmark/Product - booth created and on display at community events)											x	x																						
Issue countywide planning program newsletter (Benchmark/Product - newsletter mailings - this item would start under the countywide zoning project, but would support outreach efforts for streamside setbacks, rural resource planning, updating and modernizing subdivision regulations, as well as other countywide planning activities)**																																		
CPCs develop communications plans for conducting outreach throughout the planning process (new task)													x	x	x																			
Develop zoning project brochures for broad distribution (new task)														x	x																			
Create and maintain HUB sites (information distribution centers) throughout the Valley (new task)														x	x	x	x	x	x	x	x	x	x	x	x									
Public Engagement to Create Zoning Map																																		
Develop process for creating zoning map as part of contract negotiations (Benchmark/Product - mapping process as part of contract) (new task)													x	x																				
Present an overview of process for developing zoning maps at January workshop (new task)															x																			
Conduct values mapping workshops to kickoff mapping process (Benchmark/Product - Public Workshop #2) (new task)																x																		
CPCs develop values maps during a minimum of three additional meetings. Planning team provides input and suggestions to each group as drafts are prepared. CPCs conduct outreach about mapping process and invite participation at the local level. (Benchmark/Product - Values Maps - due 3/14) (new task)																x	x																	
Develop Draft 1 zoning maps (Benchmark/Product - Draft 1 Zoning Maps) (new task)																	x	x																

ACTIVITY Notes: <i>Highlighted x's denote major benchmark or product. **Activity is dependent on additional funding. Progress is not likely to be made or may be slow until additional funding is obtained.</i>	Oct-06	Nov-06	Dec-06	Jan-07	Feb-07	Mar-07	Apr-07	May-07	Jun-07	Jul-07	Aug-07	Sep-07	Oct-07	Nov-07	Dec-07	Jan-08	Feb-08	Mar-08	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	Jan-09	Feb-09	Mar-09	Apr-09	May-09	Jun-09	Jul-09	
Conduct public workshop to review comments on Draft A zoning regulations (Benchmark/Product - Public Workshop #3) <i>(new task)</i>																	x																		
Hold public comment period on Draft 1 Zoning Maps <i>(new task)</i>																		x	x																
Develop Draft 2 zoning maps (Benchmark/Product - Draft 2 Zoning Maps) <i>(new task)</i>																				x															
Present Draft C zoning regulations and Draft 2 zoning maps at public workshop (Benchmark/Product - Public Workshop #5) <i>(new task)</i>																				x															
Develop of additional drafts of zoning regulations and zoning maps as part of the public hearing process is addressed in the formal adoption process below. <i>(new task)</i>																					x	x	x	x											
Formal Public Adoption Process																																			
Reconsider interim zoning (Benchmark/Product - decision regarding extension of interim zoning)												x	x																						
Publish Planning Board hearing draft zoning regulations and zoning maps (Benchmark/Product - PB Draft regulations and maps)																					x														
Conduct Planning Board public hearing(s)																					x														
Make revisions to draft zoning maps and regulations																					x														
Publish BCC hearing draft zoning regulations and zoning maps (Benchmark/Product - BCC Draft regulations and maps)																						x													
Conduct BCC public hearing(s)																						x													
Make revisions to zoning maps and regulations																						x													
Present final proposal for zoning regulations and zoning maps (Benchmark/Product - Final Proposed Zoning Regulations and Zoning Maps)																							x												
BCC makes decision regarding final draft zoning regulations/maps (Benchmark/Product - Resolution of Intent to Adopt or other action)																							x		x										
Protest period (based on adoption of Resolution of Intent to Adopt)																							x												
BCC takes final action on Final Proposed Zoning Regulations/Maps (Benchmark/Product - Resolution to Adopt, or other action)																								x											

ACTIVITY Notes: Highlighted x's denote major benchmark or product. **Activity is dependent on additional funding. Progress is not likely to be made or may be slow until additional funding is obtained.	Oct-06	Nov-06	Dec-06	Jan-07	Feb-07	Mar-07	Apr-07	May-07	Jun-07	Jul-07	Aug-07	Sep-07	Oct-07	Nov-07	Dec-07	Jan-08	Feb-08	Mar-08	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	Jan-09	Feb-09	Mar-09	Apr-09	May-09	Jun-09	Jul-09
STREAMSIDE MANAGEMENT PROGRAM (Includes Countywide Zoning Phase 2 - Streamside setbacks)																																		
PROJECT MANAGEMENT/TECHNICAL ASSISTANCE																																		
Develop comprehensive streamside management program																																		
Create streamside setback committee and select members								x																										
Research options for a comprehensive streamside protection management program that includes a combination of approaches such as regulatory measures, educational opportunities, incentives, awards and recognition program (<i>new task</i>)															x	x	x	x	x	x														
Develop an overall plan for streamside protection management program (includes regulatory and non-regulatory measures) (Benchmark/Product - Proposal for streamside protection management program) (<i>new task</i>)																		x	x	x	x													
Implementation of Regulatory Measures																																		
Interim Zoning Proposal																																		
Direct Streamside Setback Committee to provide interim zoning proposal by September 7, 2007 and final zoning proposal by July 2008 via letter from BCC											x																							
Proposed interim zoning regulations, subsequently revised (Benchmark/Product - draft interim zoning regulations)										x		x																						
Consider interim zoning proposal (BCC)														x	x	x																		
Final Zoning Proposal																																		
Develop work plan for committee and streamside setback program											x	x	x																					
Prepare draft streamside protection zoning proposal -SSC task (Benchmark/Product - Draft of Final Proposal)												x	x	x	x	x	x	x	x	x	x													
Conduct technical and legal review and recommendations for revisions - Planning consultant (possibly same consultant as for baseline countywide zoning), legal counsel and Planning Department staff to work with SSC																						x	x	x	x									
Complete final draft streamside protection zoning proposal (Benchmark/Product - Final public review draft complete)																									x									

ACTIVITY Notes: <i>Highlighted x's denote major benchmark or product. **Activity is dependent on additional funding. Progress is not likely to be made or may be slow until additional funding is obtained.</i>	Oct-06	Nov-06	Dec-06	Jan-07	Feb-07	Mar-07	Apr-07	May-07	Jun-07	Jul-07	Aug-07	Sep-07	Oct-07	Nov-07	Dec-07	Jan-08	Feb-08	Mar-08	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	Jan-09	Feb-09	Mar-09	Apr-09	May-09	Jun-09	Jul-09
Conduct formal public review and adoption process (Benchmark/Product - Final action on proposed regulations)																										x	x	x	x					
Implementation of Non-regulatory Measures																																		
Develop non-regulatory program elements (Benchmarks - Various non-regulatory program elements created - likely to happen one at a time over a period of time - probably starting around August/Sept)																						x	x	x	x	x	x	x						
Adopt non-regulatory measures (Benchmarks - Various non-regulatory program elements adopted - likely to happen one at a time over a period of time, probably starting around September)																							x	x	x	x	x	x	x					
DATA GATHERING AND GIS ANALYSIS																																		
Plan for enhanced GIS data analysis for streamside setbacks project complete										x	x	x																						
Complete streamside setbacks GIS data analysis																x																		
PUBLIC OUTREACH AND ENGAGEMENT																																		
Identify technical assistance for public process and outreach campaign (new task)																		x	x															
Develop outreach materials, message, etc. for an outreach campaign on an overall streamside management program (Benchmark/Product - initial outreach materials and program) (new task)																				x	x													
Conduct outreach campaign to discuss potential streamside setback regulations and other methods for protecting surface water resources - public meetings and listening sessions, site visits and discussions with landowners, meetings with existing groups (new task)																						x	x	x	x									
As streamside setback regulations are developed and non-regulatory measures identified, conduct informational public review and comment sessions throughout the Valley using formal and informal approaches - include opportunities for continuing education credits as appropriate (new task)																									x	x	x	x	x					
With adoption of any streamside setback regulations and non-regulatory measures, prepare appropriate outreach materials, message, website, etc. and a continuing education program (Benchmark/Product - final outreach materials/program - materials for non regulatory program elements may be developed earlier as projects are implemented) (new task)																										x	x	x	x	x	x			

ACTIVITY Notes: Highlighted x's denote major benchmark or product. **Activity is dependent on additional funding. Progress is not likely to be made or may be slow until additional funding is obtained.	Oct-06	Nov-06	Dec-06	Jan-07	Feb-07	Mar-07	Apr-07	May-07	Jun-07	Jul-07	Aug-07	Sep-07	Oct-07	Nov-07	Dec-07	Jan-08	Feb-08	Mar-08	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	Jan-09	Feb-09	Mar-09	Apr-09	May-09	Jun-09	Jul-09			
RURAL RESOURCE PLANNING PROGRAM**																																					
PROJECT MANAGEMENT/TECHNICAL ASSISTANCE																																					
Develop program goals and objectives and prioritize potential projects through work with potentially interested boards (Open Lands Board, Planning Board, Right to Farm and Ranch Board and the Weed District Board), organizations (conservation organizations, farm and ranch groups, MSU Extension, etc.) and individuals (new task)																		x	x	x																	
Identify rural resource planning tools and activities to undertake (new task)																			x	x	x	x	x	x	x												
Identify program coordination/technical assistance needs (new task)																				x	x																
Acquire program coordination/technical assistance, as identified (new task)																						x	x	x													
Develop and implement rural resource planning tools/services (some projects may be coordinated with Update and Modernize Subdivision Regulations Project) (new task)																									x	x	x	x	x	x	x	x	x	x			
Develop a strategic plan for future open lands bond initiatives																														x	x	x	x				
DATA GATHERING AND GIS ANALYSIS																																					
Complete plan for enhanced GIS data analysis to support rural resource planning efforts											x	x																									
Complete GIS data analysis complete (completed as part of enhanced Land Suitability Analysis for Baseline Zoning Project)															x																						
Present data analysis to Open Lands Board (new task)																x	x	x																			
PUBLIC OUTREACH AND ENGAGEMENT																																					
Organize and implement an effort to coordinate current rural resource planning and agriculture-related activities (new task)													x	x	x	x	x	x	x	x																	
Develop coordinated outreach materials regarding existing resources for rural land owners (new task)																					x	x	x														
Conduct an effort to engage rural landowners and rural resource planning and agricultural in exploring key issues for rural areas and rural landowners and identifying tools and services that would address the identified issues (build on the work of the BRLT/RTFR Agricultural Study) (new task)																	x	x	x	x	x	x	x	x	x	x	x	x									

ACTIVITY																																		
	Oct-06	Nov-06	Dec-06	Jan-07	Feb-07	Mar-07	Apr-07	May-07	Jun-07	Jul-07	Aug-07	Sep-07	Oct-07	Nov-07	Dec-07	Jan-08	Feb-08	Mar-08	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	Jan-09	Feb-09	Mar-09	Apr-09	May-09	Jun-09	Jul-09
Notes: Highlighted x's denote major benchmark or product. **Activity is dependent on additional funding. Progress is not likely to be made or may be slow until additional funding is obtained.																																		
With the implementation of additional tools and services, prepare updated outreach materials and campaign (new task)																															x	x	x	x

ACTIVITY Notes: Highlighted x's denote major benchmark or product. **Activity is dependent on additional funding. Progress is not likely to be made or may be slow until additional funding is obtained.	Oct-06	Nov-06	Dec-06	Jan-07	Feb-07	Mar-07	Apr-07	May-07	Jun-07	Jul-07	Aug-07	Sep-07	Oct-07	Nov-07	Dec-07	Jan-08	Feb-08	Mar-08	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	Jan-09	Feb-09	Mar-09	Apr-09	May-09	Jun-09	Jul-09			
UPDATE AND MODERNIZE SUBDIVISION REGULATIONS**																																					
PROJECT MANAGEMENT/TECHNICAL ASSISTANCE																																					
Conduct meetings with interested agencies, organizations, etc. about potential needs for revisions (new task)																				x	x	x	x	x	x												
Establish project scope of work																					x																
Complete RFQ/RFP process and identify consultant																					x	x	x														
Develop work plan																								x													
Evaluate current regulations complete with recommendations for changes - Presentation in public meetings																									x	x											
Complete revisions and present draft regulations																									x	x	x										
Conduct workshops and other public involvement activities to collect input on revised regulations																												x	x	x							
Revise and distribute new draft regulations																																x					
Complete final revisions and public review/adoption process																																	x	x			
Prepare administrative materials and conduct workshops with staff, boards and consulting firms																																		x			

Ravalli County Board of County Commissioners' Policy
Resolving Questions and Concerns Regarding Subdivision Review

In determining the most efficient mechanism to answer a question or resolve an issue that is related to subdivision review, the following procedures have been agreed to by the Board of County Commissioners (BCC):

First, classify the question or issue as a Clarification, Policy (Simple), or Regulation.

1. Clarification
 - a) Ask the question directly to appropriate staff (Planning Department, Environmental Health Department, and/or Road Department).
 - b) Ask the question as early as possible.
 - c) If the question is detailed, provide the question to appropriate staff (Planning Department, Environmental Health Department, and/or Road Department) in writing.
2. Policy (Simple)
 - a) Individual commissioner provides written proposal for a policy to appropriate staff (Planning Department, Environmental Health Department, and/or Road Department), and BCC, prior to or at the next department update.
 - b) At the next department update, a majority of the BCC will determine whether or not to propose the policy as a Board.
 - c) If the BCC decides to propose the policy as a Board, the policy will undergo staff review, including review by the County Attorney's Office, for a recommendation(s).
 - d) If the proposed policy passes legal review, a public meeting will be scheduled so that the BCC can formally consider and make a decision on the proposed policy.
3. Regulation
 - a) The first step is for the BCC to define the overall goals of subdivision review in Ravalli County.
 - b) Appropriate staff (Planning Department, Environmental Health Department, and/or Road Department) will recommend the steps needed to reach the goals.
 - c) Each department (Planning Department, Environmental Health Department, and/or Road Department) will keep a master list of needed modifications to regulations.

Glenda Wiles

From: Karen Hughes
Sent: Monday, March 31, 2008 4:04 PM
To: Commissioners Department
Cc: Karen Mahar; Renee Lemon; Lea Jordan; John Lavey; Ben Hillicoss (BenHillicoss@Hunter.Myrf.net); Chip Pigman; Dale Brown; Dan Huls; 'J. R. Iman'; Jan Wisniewski; Jim Dawson; John Carbin; lee@leekierigart.com; Les Rutledge; Mary Lee Bailey; Robert Cron
Subject: Thursday 3:00 meeting
Attachments: Ravalli Co-Final 07 CDBG PG Contract.doc; CDBG Contract RCA 040208.doc; Brainerd application consideration RCA 040208.doc; 2008-03-25 CPEP Year 2 Proposal Narrative.doc; Attach 3 2008-02 DRAFT CPEP updated budget.xls; 2008 - 03 CPEP timeline.xls; BCC Policy on Subdivision Review.doc; Subdivision Review Discussion Agenda 040208.doc

Commissioners:

We have replaced our usual Planning Dept update meeting on Thursday with a meeting dedicated to continuing the subdivision review issues and I have added two other items that are grant-related: approving the CDBG grant contract with the Department of Commerce and approving the Comprehensive Planning Enhancement Program (CPEP) Grant proposal.

- hold*
1. CDBG contract – I have reviewed this contract and believe it to be ready to go. I had Alex and Skip review it long ago and they didn't have any issues associated with it. (Attachments: Ravalli Co - Final 07 CDBG PG Contract, CDBG Contract RCA 040208)
 - approve* 2. CPEP proposal – Copies of a slightly revised narrative & timeline are attached. One packet with all the other attachments is with Glenda. I think I really only made minor changes. Since we are now formally submitting this on our own, although you have previously approved the proposal in concept, now it would be best if you formally approved it. (Attachments: Brainerd application consideration RCA 040208, 2008-03-25 CPEP Year 2 Proposal Narrative, Attach 3 2008-02 DRAFT CPEP updated budget, 2008-03 CPEP timeline)
 3. Subdivision review meeting – I have attached a proposed agenda. Instead of relying on past lists of questions, we would suggest doing two things: first confirm the subdivision review communications policy (attached) and then start working through the subdivision review criteria. We thought that for each criterion we could outline what we currently review for a typical subdivision and then you (the Commissioners) could tell us if it seems generally adequate or if there are other items/considerations that you think need to be addressed. Once we get those items on the table we can go through them and decide what requires a minor policy change versus a regulatory change. This process will probably take a couple of meetings to complete, but hopefully, we can figure out relatively quickly which issues mean only making minor changes to our current operations and which ones are going to require considerably more time to fix. Then, hopefully, we can remove some of this discussion from the individual subdivision hearings where it gets frustrating to get anything addressed. (Attachments: BCC Policy on Subdivision Review, Subdivision Review Discussion Agenda 040208) – PLANNING BOARD MEMBERS – you are invited to attend this discussion if you wish to learn more about where the Commission is headed in terms of subdivision review policy.
- approve
Q4
concerns
Regulatory
S.D.
review*

Please contact me if you have questions.

3/31/2008

Karen

*Karen Hughes, AICP
Ravalli County Planning Department
215 S. 4th Street Ste F
Hamilton, MT 59840
Phone (406) 375-6530
Fax (406) 375-6531
klughes@ravallicounty.mt.gov*

3/31/2008

**COMMUNITY DEVELOPMENT BLOCK GRANT
PROGRAM CONTRACT
PLANNING GRANTS
CONTRACT #MT-CDBG-07PG-18**

*hdd off
State to
review
4/3/08*

This Contract is entered into by **Ravalli County**, Montana, (the Grantee), IRS #81-60001417, and the Montana Department of Commerce, Helena, Montana, (the Department).

The Grantee and the Department hereby agree to the following terms:

Section 1. PURPOSE

The purpose of the Contract is to provide funding for project activities as approved by the Department under the Montana Community Development Block Grant Program (CDBG) for FFY 2007.

Section 2. AUTHORITY

This Contract is issued under authority of Section 90-1-103, Montana Code Annotated, and the Administrative Rules of Montana, Title 8, Chapter 94, Subchapter 37.

Section 3. SCOPE AND DUTIES

- (a) The Grantee will engage in activities as set forth in the Grantee's application for CDBG grant assistance, including any written modifications resulting from the review of the applications by the Department (collectively, the "Project"), that by this reference are incorporated herein and the representations made therein are binding upon the Grantee.
- (b) Grant funds of \$14,980 are budgeted for the following activities:
- inventory data available for Ravalli County to be utilized in development of county-wide zoning that will ultimately implement many of the goals and objectives of the adopted Ravalli County Growth Policy;
 - work with local citizen groups, planning board, and elected officials to analyze the collected data;
 - develop land suitability maps, in conjunction with a qualified consulting firm that specializes in Geographic Information Systems (GIS), to assist the Ravalli County Planning Department in data gathering and geographic analysis to provide guidance in

determining appropriate physical locations for varying types and intensities of development throughout the unincorporated areas of the County for use in the county-wide zoning project;

- provide final product, including data utilized in development of county-wide zoning and final copies of land suitability maps, both in paper hard copy (1) and electronic version on computer disk (1); and
- administer this Contract.

Section 4. EFFECTIVE DATE AND TIME OF PERFORMANCE

This Contract shall take effect upon execution by the parties and terminate upon completion of the final Project closeout by the Department, unless terminated earlier in accordance with the terms of this Contract. The activities to be performed by the Grantee will be completed according to the implementation schedule attached hereto as Attachment A and specifically incorporated herein by this reference. The Grantee may modify the implementation schedule set forth in Attachment A at any time, so long as it submits a written request to the Department and receives written acknowledgement of such adjustment from the Department. However, delays or other modifications to the implementation schedule in excess of twelve (12) months must be formally approved by the Department and the Contract amended.

Section 5. LIAISONS

The contact persons for this Contract are:

For the Department:

Joanne Gilbert (or successor)
CDBG Administrative Assistant, MDOC
301 S. Park Ave.
P.O. Box 200523
Helena, MT 59620-0523
406-841-2770

For the Grantee:

Karen Hughes (or successor)
County Planner
Ravalli County
215 S. 4th St. Suite F
Hamilton, MT 59840
406-375-6530

Section 6. BUDGET

- (a) The total amount to be awarded to the Grantee under this Contract will not exceed \$14,980.
- (b) A copy of the Project budget is attached hereto as Attachment B to this Contract and specifically incorporated herein by this reference.
- (c) Budget adjustments must be approved in advance by the Department. For budget adjustments of \$5,000 or less between line items of the CDBG portion of Attachment B, Department approval of the Request for Payment form will constitute approval of the budget adjustment. The proposed rationale for budget adjustment must be described in the Request for Payment and Status of Funds Report submitted with draws against the grant funding reserve. Budget adjustments in excess of \$5,000 require formal Department approval and amendment of the Contract.

Section 7. AMOUNT OF GRANT AND METHOD OF PAYMENT

- (a) The Department will authorize the Grantee to draw up to \$14,980 against the funding reserved for it by the Department. In drawing against the reserved amount, the Grantee will follow the instructions supplied by the Department.
- (b) The Department will reimburse the Grantee as set forth in this Section for successfully completing the activities set forth in Section 3 SCOPE AND DUTIES as the Grantee incurs approved, eligible, and necessary Project expenses supported by adequate documentation submitted by the Grantee and upon approval by the Department of the Grantee's Request for Payment.
- (c) The Department will not reimburse the Grantee for any costs incurred prior to the date of execution of this Contract, unless previously authorized in writing by the Department, but in no event for costs incurred prior to the date of tentative grant award July 18, 2007, for any expenses not included in the budget (Attachment B) or an approved adjustment thereto, or for any expenses not clearly and adequately supported by the Grantee's records.
- (d) The reimbursement of approved, eligible, and necessary costs incurred is contingent upon the Grantee's completion of the items in Section II SPECIAL CONDITIONS.

- (e) **As further set forth in Section 17 TERMINATION OF CONTRACT, in the event the Grantee fails to or is unable to comply with any of the terms and the conditions of this Contract, any costs incurred will be the Grantee's sole responsibility.**
- (f) If the actual cost of completing the Project is less than has been projected by the Grantee in the budget (Attachment B) or an approved adjustment thereto, the Department may, at its discretion, reduce the amount of CDBG grant funds to be provided to the Grantee under this Contract in proportion to the overall savings.
- (g) If needed, the Grantee's travel expenses, meals, and lodging will be reimbursed at the prevailing local rate at the time such expense is incurred.
- (h) Unless otherwise stated herein, the Department is allowed 30 days to process a Request for Payment once the Department has received adequate supporting documentation. The Grantee may be required to provide banking information at the time of Contract execution in order to facilitate electronic funds transfer payments.
- (i) Unless alternate arrangements are approved by the Department's liaison, the Grantee may submit no more than three (3) Requests for Payment during the duration of the Project – two prior to, and one upon, Project completion. The Request for Payment submitted upon Project completion shall be accompanied by appropriate and adequate documentation, including drafts of work activities completed to date. Any Requests for Payment of professional services must attach appropriate and adequate documentation demonstrating compliance with all applicable state and federal procurement laws and regulations.
- (j) The Department will not release the final reimbursement of funds until all tasks identified in Section 3 SCOPE AND DUTIES are completed and approved. The Department will disburse the funds upon final receipt of a copy of a final product acceptable to the Department, provided Grantee has adequately documented all costs.

Section 8. REPORTING REQUIREMENTS

The Grantee will submit status reports on Project performance at the request of, and in the format prescribed by, the Department.

Section 9. ACCEPTANCE OF CDBG PROGRAM REQUIREMENTS

- (a) The Grantee will comply with all applicable parts of the Housing and Community Development Act of 1974, as amended, 42 U.S.C. §§ 5301, et seq.; the applicable Department of Housing and Urban Development (HUD) regulations, 24 CFR Part 570, as in effect as of the date of execution of this Contract or as amended during the term of this Contract; all requirements and administrative directives established by the Department, including the most recent version of the CDBG Grant Administration Manual; and all other applicable local, state and federal laws, regulations, administrative directives, procedures, ordinances, or resolutions.
- (b) The Grantee agrees that all contracts and subcontracts entered into for the completion of activities described in Section 3 SCOPE AND DUTIES will contain special provisions requiring such contractors, subcontractors, and subrecipient entities to also comply with all applicable local, state, and federal requirements.
- (c) The Grantee expressly agrees to repay to the Department any funds advanced under this Contract that the Grantee, its contractors, subcontractors, subrecipient entities, or any public or private agent or agency to which it delegates authority to carry out portions of this Contract, expends in violation of the terms of this Contract, the federal statutes and regulations governing the CDBG program, or any other applicable local, state, or federal requirement.

Section 10. AVOIDANCE OF CONFLICT OF INTEREST

The Grantee will comply with the provisions of the applicable HUD regulations of 24 C.F.R. Parts 84, 85, and 570.611, and with Sections 2-2-121, 2-2-201, 7-3-4256, 7-3-4367, 7-5-2106, and 7-5-4109, MCA, (as applicable) regarding the avoidance of conflict of interest.

Section 11. SPECIAL CONDITIONS

The Grantee will not obligate or utilize funds for any activities provided for by this Contract until:

- (a) The Grantee submits to the Department evidence of the firm commitment of the other financial resources necessary for the completion of the Project as defined in Section 3 SCOPE AND DUTIES and Attachment A, within the Project budget set forth in Attachment B.

- (b) All Project funding must be fully committed and available and the Project must be ready to proceed within six (6) months after the date of the announcement of the tentative grant award July 18, 2007. The Department may, at its discretion, withdraw from the Grantee the commitment of any CDBG funds which remain unobligated thereafter.

Section 12. OWNERSHIP AND PUBLICATION OF MATERIALS

All reports, information, data, and other materials prepared by the Grantee pursuant to this Contract are the property of the Grantee and the Department, which both have the royalty-free, nonexclusive, and irrevocable right to reproduce, publish or otherwise use, and to authorize others to use, in whole or part, such property and any information relating thereto. No material produced in whole or in part under this Contract may be copyrighted or patented in the United States or in any other country without the prior written approval of the Grantee and the Department.

To the extent the funds awarded under this Contract will be used by any small business firm or non-profit organization, as defined in 37 C.F.R. 401.2, such firm(s) or organization(s) are subject to the standard patent rights clause set forth in its entirety in 37 C.F.R. 401.14 and specifically incorporated herein by this reference.

Section 13. PROJECT MONITORING

- (a) The Department or any of its authorized agents may monitor and inspect all phases and aspects of the Grantee's performance to determine compliance with the SCOPE AND DUTIES, and other technical and administrative requirements of this Contract, including the adequacy of the Grantee's records and accounts. The Department will advise the Grantee of any specific areas of concern and provide the Grantee opportunity to propose corrective actions acceptable to the Department.
- (b) Failure by the Grantee to proceed with reasonable promptness to take necessary corrective actions shall be a default. If the Grantee's corrective actions remain unacceptable, the Department may terminate this Contract in whole or in part, pursuant to the provisions of Section 17 TERMINATION OF CONTRACT.

Section 14. COMPLIANCE WITH WORKERS' COMPENSATION ACT

The Grantee accepts responsibility for requiring all contractors, subcontractors, and subrecipient entities to supply the Department with proof of compliance with the Montana Workers' Compensation Act while performing work for the State of Montana. (Mont. Code Ann. §§ 39-

71-401, 39-71-405, and 39-71-417.) Neither the Grantee nor its employees are employees of the State. The proof of insurance/exemption must be in the form of workers' compensation insurance, an independent contractor exemption, or documentation of corporate officer status and must be received by the Department within 10 working days of the execution of this Contract, and must be kept current for the entire term of the Contract.

CONTRACTS MAY BE TERMINATED PURSUANT TO THE PROVISIONS OF SECTION 17 TERMINATION OF CONTRACT IF THE GRANTEE FAILS TO PROVIDE THE REQUIRED DOCUMENTATION WITHIN THE ALLOTTED TIME FRAME.

Coverage may be provided through a private carrier or through the State Compensation Insurance Fund (406) 444-6500. An exemption can be requested through the Department of Labor and Industry, Employment Relations Division (406) 444-1446. Corporate officers must provide documentation of their exempt status.

Section 15. ACCESS TO AND RETENTION OF RECORDS

- (a) The Grantee agrees to provide the Department, HUD, Comptroller General of the United States, Montana Legislative Auditor, and their authorized agents' access to any records necessary to determine contract compliance. The Grantee agrees to create and retain records supporting the services rendered or supplies delivered for a period of four (4) years after either the completion date of the Contract or the conclusion of any claim, litigation, or exception relating to the Contract taken by the State of Montana or third party, whichever is later. These records will be kept in the Grantee's offices in Hamilton, Montana.
- (b) The Grantee agrees to include in first-tier subcontracts under this Contract a clause substantially the same as paragraph 15(a).

Section 16. DEBARMENT

The Grantee certifies and agrees to ensure during the term of this Contract that neither it nor its principals, contractors, subcontractors, or subrecipient entities are debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in the Contract by any governmental department or agency. If the Grantee cannot certify this statement, attach a written explanation for review by the Department.

The Grantee certifies and agrees to ensure during the term of this Contract that neither it nor its principals, contractors, subcontractors, or subrecipient entities are debarred, suspended, or

otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549, "Debarment and Suspension."

Section 17. TERMINATION OF CONTRACT

This Contract may only be terminated in whole or in part as follows:

- (a) The Department may, by written notice to the Grantee, terminate this Contract in whole or in part at any time the Grantee or any of its contractors, subcontractors, or subrecipient entities fails to perform this Contract or materially fails to comply with any term of this Contract, whether stated herein or in any applicable local, state or federal law, regulation, administrative directive, procedure, ordinance, or resolution. Upon such failure(s), the Department may take one or more of the following actions, as appropriate in the circumstances:
 - i) Temporarily withhold cash payments pending correction of the deficiency by the Grantee or more severe enforcement action by the Department;
 - ii) Disallow all or part of the cost of the activity or action not in compliance;
 - iii) Wholly or partly suspend or terminate the grant for the Project;
 - iv) Withhold further grants to the Project or to the Grantee;
 - v) Take other remedies that may be legally available.

Any costs or expenses incurred by the Grantee from obligations arising during a suspension or after termination of the grant pursuant to this Section are not allowable unless the awarding agency expressly authorizes them in the notice of suspension or termination or subsequently in writing thereafter. Other necessary and not reasonably avoidable Grantee costs incurred during suspension or after termination are allowable if:

- i) They result from obligations properly incurred by the Grantee before the effective date of suspension or termination, are not in anticipation of it, and in the case of a termination, noncancellable; and
- ii) The costs would be allowable if the award were not suspended or expired normally at the end of the funding period in which the termination takes effect.

- (b) The Department may terminate this Contract in whole or in part at any time with the consent of the Grantee, in which case the parties shall agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion of the Contract to be terminated;
- (c) The Grantee may terminate this Contract in whole or in part at any time upon written notification to the Department, setting forth the reasons for such termination, the effective date, and in the case of partial termination, the portion of the Contract to be terminated. However, if, in the case of a partial termination, the Department determines that the remaining portion of the award will not accomplish the purposes for which the award was made, the Department may terminate the award in its entirety under paragraph (a) of this Section.
- (d) The Department may, at its sole discretion, terminate or reduce the scope of the Contract if available funding is eliminated or reduced for any reason. If a termination or modification is required, the Department will, to the extent permitted by available CDBG funds, compensate the Grantee for eligible work elements the Grantee has completed and for actual, necessary, and eligible expenses incurred by the Grantee as of the revised termination date. The Department will give the Grantee written notice of the effective date of the modification or termination of this Contract and, if a reduction in funding is required, will provide the Grantee with a modified Project budget.

Section 18. DEFAULT

Failure on the part of either party to perform the provisions of the Contract constitutes default. Default may result in the pursuit of remedies for breach of contract as set forth herein or as otherwise legally available, including but not limited to damages and specific performance.

Section 19. JURISDICTION AND VENUE

The Contract is governed by the laws of Montana. The parties agree that any litigation concerning the Contract must be brought in the First Judicial District in and for the County of Lewis and Clark, State of Montana, and each party shall pay its own costs and attorney fees.

Section 20. COMPLIANCE WITH LAWS

The Grantee must, in performance of work under the Contract, fully comply with all applicable federal, state, or local laws, rules, and regulations, including the Montana Human Rights Act, the Civil Rights Act of 1964, the Age Discrimination Act of 1975, the Americans with Disabilities Act

of 1990, and Section 504 of the Rehabilitation Act of 1973. Any contracting, subletting, or subcontracting by the Grantee subjects such contractors, subcontractors, and subrecipient entities to the same provision. In accordance with Mont. Code Ann. § 49-3-207, the Grantee agrees that the hiring of persons to perform the Contract will be made on the basis of merit and qualifications and there will be no discrimination based upon race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin by the persons performing the Contract.

Section 21. ASSIGNMENT, TRANSFER, AND SUBCONTRACTING

The Grantee may assign, transfer, or subcontract any portion of this Contract; however, Grantee accepts responsibility for the adherence to the terms of this Contract by such contractors, subcontractors, or subrecipient entities and by any public or private agents or agencies to which it delegates authority to carry out any portion(s) of this Contract.

Section 22. CONTRACT AMENDMENT

Except as otherwise set forth herein, this Contract may not be enlarged, modified, amended or altered except upon written agreement signed by all parties to the Contract.

Section 23. NOTICE

All notices required under the provisions of the Contract must be in writing and delivered to the parties' liaisons as identified herein either by first class mail or personal service.

Section 24. SEPARABILITY

A declaration by any court, or any other binding legal forum, that any provision of the Contract is illegal and void shall not affect the legality and enforceability of any other provision of the Contract, unless the provisions are mutually dependent.

Section 25. REFERENCE TO CONTRACT

The Contract number must appear on all invoices, reports, and correspondence pertaining to the Contract.

Section 26. FORCE MAJEURE

Neither party shall be responsible for failure to fulfill its obligations due to causes beyond its

reasonable control, including without limitation, acts or omissions of government or military authority, acts of God, materials shortages, transportation delays, fires, floods, labor disturbances, riots, wars, terrorist acts, or any other causes, directly or indirectly beyond the reasonable control of the non-performing party, so long as such party is using its best efforts to remedy such failure or delays.

Section 27. HOLD HARMLESS AND INDEMNIFICATION

The Grantee agrees to protect, defend, and save the State, its elected and appointed officials, agents, and employees, while acting within the scope of their duties as such, harmless from and against all claims, demands, causes of action of any kind or character, including the cost of defense thereof, arising in favor of the Grantee's employees or third parties on account of bodily or personal injuries, death, or damage to property arising out of services performed or omissions of services or in any way resulting from the acts or omissions of the Grantee and/or its agents, employees, representatives, assigns, subcontractors, except the sole negligence of the State, under the Contract.

Section 28. NO ARBITRATION

Unless otherwise agreed to in writing or provided for by law, arbitration is not available to the parties as a method of resolving disputes that would arise under this Contract.

Section 29. INTEGRATION

The Contract contains the entire agreement between the parties, and no statements, promises, or inducements of any kind made by either party, or the agents of either party, not contained herein or in a properly executed amendment hereto are valid or binding.

IN WITNESS OF THE TERMS SET OUT ABOVE, the parties hereto have executed this Contract.

Jim Rokosch, Chairman
Ravalli County Commission

Date

ATTEST:

(Name), (Title)

APPROVED AS TO FORM:

(Name), (Local Government) Attorney

David C. Cole, Administrator
Community Development Division
Montana Department of Commerce

Date

ATTACHMENT A
PLANNING GRANT
PROJECT IMPLEMENTATION SCHEDULE – BEGINNING 2007
CDBG Contract #MT-CDBG-07PG-18
Ravalli County

TASK	MONTH
PROJECT START UP	
Preparation of MDOC Contract	Fall 2007
PROCUREMENT OF PROFESSIONAL ASSISTANCE ¹	
Submit Request for Proposals (RFP) to DOC for approval, if required ²	
Publish RFP	Fall 2007
Select professional	Fall 2007
Execute agreement with professional	Fall 2007
PROJECT IMPLEMENTATION	
Develop land suitability map methodology	Fall 2007
Finalize methodology to create a land suitability map	Fall 2007
Identify and compile existing data sets	Fall 2007
Process existing data sets	Fall 2007
Implement land suitability model	Fall 2007
Community review	Fall 2007
Modify land suitability map	Fall 2007
PROJECT CLOSEOUT	
Submit final deliverable	Spring 2008
Submit final drawdown	Spring 2008

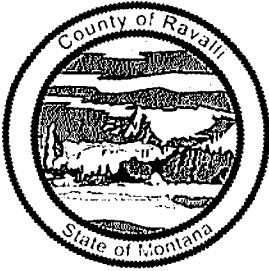
¹ Including professional engineers, architects, and community development consultants, etc.

² Architectural and engineering services must be procured in compliance with Section 18-8-201, MCA.

ATTACHMENT B

**PLANNING GRANT
PROPOSED PROJECT BUDGET
CDBG Contract #MT-CDBG-07PG-18
Ravalli County**

Budget Summary for CDBG Planning Grant Ravalli County Planning Department Land Capability and Suitability Analysis			
	Source: CDBG	Source: Ravalli County	Total
Professional Consulting Services	\$ 14,980	\$ 9,980	\$ 24,960
Materials and Miscellaneous Expenses	\$ -	\$ 5,000	\$ 5,000
Total Planning Project	\$ 14,980	\$ 14,980	\$ 29,960



REQUEST FOR COMMISSION ACTION

OG-08-03-262

Meeting: April 3, 2007 @ 3:00 p.m.
Request: To accept and sign the Community Development Block Grant Contract for the Land Suitability Analysis (a draft of the contract is attached)

I. ACTION REQUESTED

This is a request from the Planning Department to accept and sign the CDBG Contract between Ravalli County and the Montana Department of Commerce for the Planning Grant.

II. BACKGROUND

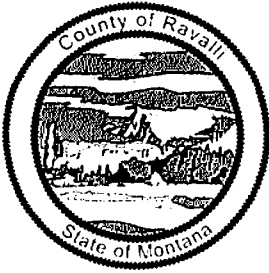
Ravalli County was notified of our success in receiving a Montana Community Development Block Grant Planning Grant in July 2007. We received a draft contract for this project in January 2008 and staff has subsequently worked with Montana Department of Commerce staff to finalize the contract language. The funding from this grant will reimburse funds utilized to pay for the Land Suitability Analysis, particularly for professional consulting services from DTM Consulting.

Staff from the Planning Department, County Attorney's Office, and Administrative Office have preliminarily reviewed the contract and it is currently undergoing final legal review.

III. PLANNING STAFF'S RECOMMENDED MOTION

That the Community Development Block Grant Contract between Ravalli County and the Montana Department of Commerce be approved.

REMAINING ISSUES:	None.
FISCAL IMPACT:	Up to \$14,980 in reimbursement for funds spent on the Land Suitability Analysis. A one to one match was required that has been exceeded.
ATTACHMENTS:	CDBG Contract
STAFF:	Karen Hughes
DATE:	March 31, 2008



REQUEST FOR COMMISSION ACTION

OG-08-03-262

Meeting: April 3, 2007 @ 3:00 p.m.
Request: To approve the Comprehensive Planning Enhancement Program grant proposal for year two to the Brainerd Foundation

I. ACTION REQUESTED

This is a request from the Planning Department to approve the Comprehensive Planning Enhancement Program application that is to be submitted to the Brainerd Foundation.

II. BACKGROUND

Ravalli County through a partnership with the Bitterroot Land Trust applied for funding from the Brainerd Foundation in June 2007 for a two-year Comprehensive Planning Enhancement Program (CPEP). The County and the Land Trust were notified of their receipt of the first Brainerd Foundation grant in July 2007. Ravalli County is now applying for the second year of funding from the Brainerd Foundation for the CPEP project. The Commissioners have previously reviewed draft application materials and we now need final approval of the grant application by the Commission to allow for the Brainerd Foundation's Board of Directors to consider this application at their April meeting.

Following a decision at the April meeting and assuming that the County is successful in its second year of funding, the Brainerd Foundation will provide the County with a funding agreement and then grant funding will be made available.

III. PLANNING STAFF'S RECOMMENDED MOTION

That the Comprehensive Planning Enhancement Program application be approved by the Board of County Commissioners.

REMAINING ISSUES:	None.
FISCAL IMPACT:	\$100,000 in grant funding with the potential for additional match funds through a local fundraising campaign
ATTACHMENTS:	CPEP application materials (Narrative, timeline, budget) – the full application with all attachments is available for review at the Commissioners' front desk
STAFF:	Karen Hughes
DATE:	March 31, 2008